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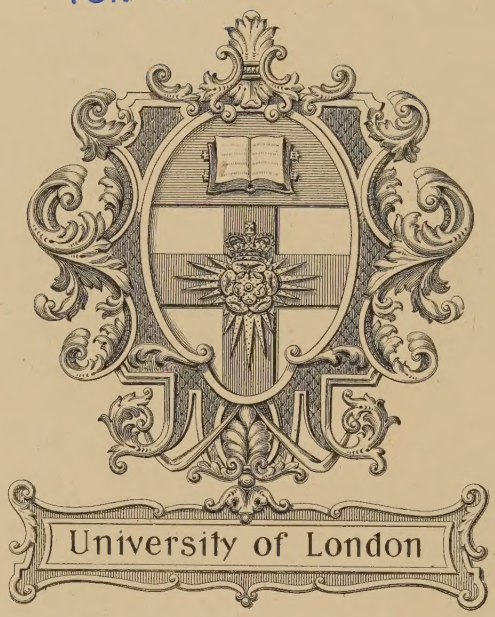

# REPORT

FROM

## HIS MAJESTY'S COMMISSIONERS

FOR INQUIRING INTO THE

## SYSTEM OF MILITARY PUNISHMENTS

IN

# THE ARMY;

WITH

## APPENDICES.

---

Presented to both Houses of Parliament by Command of His Majesty.

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| | |
|---|---|
| What is the result of your experience as to the effects of these punishments on the discipline of the corps? Have the men returned to their duty with better dispositions, and have they subsequently conducted themselves in an orderly and soldierlike manner, or the contrary? | [4 |
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# COMMISSION.

*WILLIAM* THE FOURTH, by the grace of God, of the United Kingdom of *Great Britain* and *Ireland* King, Defender of the Faith. TO Our right trusty and well beloved Councillors *James Archibald Lord Wharncliffe*, and Sir *James Kempt*, Knight Grand Cross of the most Honourable Order of the Bath, and Lieutenant-General in our Army, Our trusty and well beloved *Dudley Ryder*, Esquire, (commonly called Viscount *Sandon*,) Our right trusty and well beloved Councillors Sir *Edward Hyde East*, Baronet, and *Robert Cutlar Fergusson*, and Our trusty and well beloved Sir *Edward Barnes*, Knight Grand Cross of the Most Honourable Military Order of the Bath, and Lieutenant-General in Our Army, and Sir *Thomas Reynell*, Baronet, Knight Commander of the Most Honourable Military Order of the Bath, and Major-General in Our Army, Greeting: WHEREAS We have thought it expedient for divers good causes and considerations, that a Commission should forthwith issue for the purpose of inquiring into the several modes of Punishment now authorized and in use for the maintenance of discipline and the prevention of crime in our Land Forces; NOW KNOW YE, That We, reposing great trust and confidence in your zeal, discretion and ability, have authorized and appointed, and do by these presents authorize and appoint you, the said *James Archibald Lord Wharncliffe*, Sir *James Kempt*, *Dudley Ryder*, (commonly called Viscount *Sandon*,) Sir *Edward Hyde East*, *Robert Cutlar Fergusson*, Sir *Edward Barnes*, and Sir *Thomas Reynell*, or any Three or more of you, to be Our Commissioners for making the inquiry aforesaid: And We do hereby authorize and empower you Our said Commissioners, or any Three or more of you, to obtain information thereupon by the examination of all persons most competent, by reason of their knowledge, habits or experience to afford it; and also by calling for all Documents, Papers and Records which may appear to you, or any Three or more of you, calculated to assist your researches and to promote the formation of a sound judgment on the subject: And We do also hereby give and grant unto you, or any Three or more of you, full power and authority when the same shall appear to be requisite, to administer an Oath or Oaths to any person or persons whatsoever to be examined before you, or any Three or more of you, touching or concerning the premises: And We do hereby require and command you, or any Three or more of you, to report to Us, under your hands and seals, with all convenient speed, your opinions whether, after a careful reference to all the circumstances and conditions under which the British Army is constituted and governed, and all the services which it is called upon to perform, it may be practicable to dispense with the power of inflicting Corporal Punishment, or to make any other changes or modifications in the punishments now applicable to offences committed by the Soldier without detriment or danger to the paramount consideration of maintaining strict discipline, and effectually repressing Crime in the Ranks of the British Army throughout all the various contingencies of Military Service to which our Troops are necessarily liable: And We will and command, and by these Presents ordain, that this Our Commission shall continue in full force and virtue, and that you Our said Commissioners, or any Three or more of you, may from time to time proceed in the execution

thereof, although the same be not continued from time to time by adjournment: And We do hereby command all and singular Our Justices of the Peace, Sheriffs, Mayors, Bailiffs, Constables, Officers, Ministers, and all other Our loving subjects whatsoever, as well within liberties as without, that they be assistant to you and each of you in the execution of these Presents: And for your assistance in the due execution of these Presents, We have made choice of our trusty and well beloved *George Collin,* Esquire, to be Secretary to this Our Commission, and to attend you, whose service and assistance We require you to use from time to time as occasion shall require. In witness whereof, We have caused these Our Letters to be made Patent. Witness Ourself at Westminster the Fourth day of March in the Fifth year of Our Reign.

By Writ of Privy Seal.

EDMUNDS.

## TO THE KING'S MOST EXCELLENT MAJESTY.

WE, Your Majesty's Commissioners, appointed by Your Majesty's Commission, bearing date the Fourth day of March, in the Fifth Year of Your Majesty's Reign, whose Hands and Seals are hereunto set, do humbly certify to Your Majesty—That,

IN prosecuting the Inquiry intrusted to us by Your Majesty's Commission, we have called before us and examined a great number of witnesses, including persons of all ranks in the Army, from the recruit and private soldier to the most experienced general officers in the service, and to the general commanding in chief.

We have also thought it our duty to examine several of those persons, who have publicly advocated the entire and immediate abolition of corporal punishment in the Army, or its gradual abolition by the substitution of other punishments. A further object of our inquiry has been the practice in the other Armies of Europe, with regard to their discipline, and the means adopted for its maintenance, and besides the information we have obtained from printed sources, and from officers in Your Majesty's service on this head, we have had the opportunity of learning, in complete detail, the system of the French Army, not only as to its discipline, and punishments, and rewards, but as to the means by which its ranks are filled, and the description of persons thereby obtained for the service. Upon an application made at our request by Your Majesty's principal Secretary of State for the Foreign Department, to the French Government, four most intelligent officers were sent over for our examination, and from their evidence, which was given with the utmost frankness, and with the sincerest wish to assist us in our inquiries, we have derived a great deal of most valuable information. We are, therefore, now prepared to lay our opinions upon the matters referred to us before Your Majesty, and have agreed to the following Report:— Min. of Evid. p. 238—254.

The object, for which we have humbly conceived Your Majesty had pleased to direct this Commission to issue, appears to us to have been a minute and searching Inquiry into the means at present used to maintain the discipline of the Army, with a view to ascertain how far the resort to corporal punishment might be dispensed with, either immediately and entirely, or prospectively and gradually.

We have, therefore, directed our attention to the following points:—

1. The regulations which have been adopted of late years in order to render the infliction of that punishment more rare than at former periods, and to diminish the extent to which it may be carried by the sentences of courts martial.

2. Whether some alteration in regard to the minor punishments now inflicted by the authority of the commanding officers of regiments, both as respects the summary and effectual application of those punishments, and their power of submitting a wider range of offences to the judgment of a regimental court martial than is at present permitted, might not tend to diminish the supposed necessity of recurring to corporal punishment in many instances, without endangering the maintenance of proper discipline.

3. Whether the punishments that are now resorted to as substitutes for corporal punishment appear to have been effectual, and whether their substitution is likely to render an immediate and entire abolition of that punishment practicable and safe, or to hold out a hope that by a more stringent application of them, the necessity of its continuance may be gradually removed.

4. Whether the infliction of corporal punishment may not be confined within

still narrower limits than at present, both as to the number of lashes in the power of courts martial to award, and as to the offences to which it may be applied; whether those offences may not be more clearly defined than they now are, and, also, whether the power of inflicting that punishment may not be limited to cases, where the culprit has, for some previous misconduct, been in some way publicly degraded.

5. Whether some system of rewards to the good and well-behaved soldier while in the service, either by promotion to commissions, by honorary distinctions, or otherwise, or by the prospect of some civil advantages combined with pension, or all of these might not have the effect of inducing the parents and friends of young men, of a better and more educated class of life than that of which the Army is now composed, not only to consent to, but even to encourage their enlistment, and of thus improving the moral character of the Army so as to render the use of corporal punishment unnecessary.

Before we state our opinion, as founded upon the evidence we have received, with regard to all or any of these points, we think it right to advert to the difference which exists between the British Army and that of every other power in Europe, not only in its composition, but in the duties it is called upon to perform; and we cannot but feel that a consideration of those circumstances must, in a very great degree, be necessary to the formation of a sound decision upon the whole subject.

The first great distinction between the British and the other European Armies is, in the manner in which its ranks are filled. The British Army is entirely composed of persons who enter voluntarily into the service, for life or until discharged under certain regulations. The enlistment of the British soldier may, therefore, be considered as the devotion of the greater, and, certainly, the best portion of his life to the service, into which he freely enters; and two-thirds, at least, of that portion, as far as respects the regiments of the line, are spent in the colonies under every variety of climate.

Sir John Macdonald, 74.

Sir W. Gordon, 117.

On the other hand, the Continental Armies are filled by conscription, not indeed excluding voluntary enlistment, but admitting it under certain regulations as one mode of performing a duty required of all the subjects of the state. The law in France is stated to be "that every Frenchman shall be called to serve his country at the age of twenty; nevertheless, any one who wishes to enter the service may enlist at the age of eighteen, and, having satisfied what the law requires, he is exempt from future conscription."

Baron de Lostende, 4729.

4740.

Art. 23, Loi de Recrutement, App. No. 1, p. 137.

The service thus required by the law lasts for seven years, whether under conscription or enlistment, but it may be voluntarily prolonged for a certain time and under certain conditions: the conscript may, if he thinks fit, find a substitute, but he remains responsible for that substitute in case of desertion during a year. This manner of filling up the ranks of the Army brings into it a considerable number of persons of good education; and it is stated that that circumstance enables so many commissions to be given to the non-commissioned officers.

Baron de Lostende, 4736.

Extract from M. Chambray's book, App. No. 4.

In Prussia "all the subjects are called into the service of the state at the age of twenty years, and serve for three years in what is called the disposable force." They are then sent home until they have attained the age of twenty-five years, and constitute the Army of Reserve. At the age of twenty-five they are exempted from active employment, and become incorporated into the *landwehr* of the first ban, till they are thirty-two, and in that of the second ban, till they are thirty-five, the *landwehr* being a sort of militia; the first ban being brought together for a short time every year for exercise, and the second only liable to service, within the interior, in the event, during war, of an invasion of the country by an enemy. "In order to alleviate amongst the higher and opulent classes, the obligation which the law imposes upon every Prussian, of serving personally as a private soldier, and in order to reconcile this obligation, with the possibility of acquiring a knowledge necessary to other professions, the Government permits voluntary enlistment, subject to certain conditions."

Under different regulations, the same principle of the right of the state to the service of every one of its subjects, is enforced in every country of Europe, as we are led to believe, by something in the nature of conscription, or forced enlistment for a limited period. The adoption of this principle, must have the effect of creating a strong feeling, in favour of the military service. It becomes, in truth, the favoured and favourite profession in those countries where every man has either been, or actually is, a soldier; and it is honoured accordingly. If a young man is

called from his home to serve his prescribed time, his father has been so before him, and it is not considered a hardship.

The mode of filling the ranks of the British and other European Armies being then so entirely different, how is it with regard to the service these latter are called upon to perform, even for the limited periods for which their members are engaged? None of the great powers of Europe, excepting France, have colonies, and she does not employ her regular Army in the few colonies, which she possesses. Excepting, therefore, in the case of some active service, the foreign soldier is never called upon to quit his native country, while the British soldier, besides being subject to the hardships, privations, and dangers of actual service when necessary, cannot avoid the long separation from his family and friends, consequent upon the order to embark for the colonies, nor the wear and tear of life and constitution which await him when arrived there.

Sir W. Gordon, 176. Baron de Lostende, 4735.

The natural consequence of these disadvantages on the part of the British Army, both as to its original formation, and the services it is applied to, is, that those persons of a better class, who, as we are told, are to be found in the ranks of the other Armies, are rarely found in ours, except in instances where a young man has been induced by misfortunes, brought on, most commonly, by his own folly or intemperance, to escape from them by enlistment. It will be found, by the evidence of several officers whom we have examined, that those, who have so enlisted, do not commonly turn out the best soldiers, or the most easy to bring under proper discipline, and seldom set an example of good conduct to their comrades.

Col. Adye, 2902—4. Major Jones, 2978. Lieut.-Col. Middleton, 3198—3203. Lieut.-Col. Arbuthnot, 3373, *et seq.* Serj.-Major Artillery, 3473—6. Serj. Horse Artillery, 3619, 20. Col. Brotherton, 4060—3. Lieut.-Col. Goldie, 3387, 88.

The great body of our recruits consists of the inhabitants of the large towns and manufacturing districts, and of agricultural labourers, which last appear, generally to enter the Army, in consequence of some family difficulty, or some scrape in which they are involved, or from some temporary difficulty of obtaining work, and become the best and most trustworthy soldiers, when they have undergone the necessary preparation of the drill. Those, who come from the manufacturing districts and large towns, are too frequently the most idle and dissolute, and require all the means, in the power of their officers, to correct the intemperate and vicious habits, in which they have indulged, and to teach them, that subordination is the first duty, in the profession into which they have entered.

In an Army thus composed, it is scarcely necessary to point out the evils of a relaxed state of discipline. It has not, within itself, those moral means which are supposed, and probably with truth, to exist in an Army recruited by conscription of all classes, the example and advice afforded by the more educated, to those who are less so. The constant vigilance of their officers in giving advice, and in correcting, by slight and minor punishments, the first approaches to insubordination, joined to the prompt application of such a punishment, as is likely, while it corrects the offender, to make him an example in the eyes of his comrades in cases of a more serious nature, can alone make such an Army tolerable, not only to the inhabitants of the country in which it is, but even to the individuals of that Army itself; a very few persons in a company can, and very often do, by their violence and bad conduct, render the lives of the rest, uneasy and uncomfortable.

Sir H. Hardinge, 5674. Duke of Wellington, 5807.

It cannot be necessary to state the necessity of the strictest discipline when in the field and in face of the enemy. With it, a British Army is equal to any enterprize; without it, the character and habits of our soldiers are such as to lead them into great excesses, and frequently to render them unfit for any useful purpose. Nor will any one who is aware of the duties imposed upon the Army, when quartered at home, or in the colonies, doubt the necessity of its being kept in a state of the strictest discipline.

A standing Army always has been an object of jealousy in this country, and nothing can reconcile the feelings of an Englishman, who prizes his own personal liberty so highly, to its existence, but the fact of its being in such a state of discipline and restraint, as shall secure the absence of that tone of superiority, which the Armies of foreign powers are apt to assume in their own countries. To perform the duty of assisting the civil power, in the way required of the British soldier, is a most difficult task. The least impatience, in the midst of the most gross provocations and insults, anything less than an implicit obedience to the orders of his officer, or any rashness, even when personally assailed, or after an order has been given to act, may lead to most fatal consequences at a moment of excitement.

In considering therefore the subject of the punishments, by which the discipline of the British Army has been created and maintained up to this time, it is well to see how far they have answered their purpose. To the superior discipline of the

British Army, when on service in foreign countries, and even in an enemy's country, strong testimony will be found in the evidence, and more especially that of the Duke of Wellington, Sir Henry Fane, and Sir Henry Hardinge. To the conduct of the Army, while in the British islands, the experience which every person who has had occasion to see it employed to assist the civil power must have, of the admirable manner in which that duty is performed, will bear ample testimony. It cannot be denied, then, that whatever other objections may be made to the present system of discipline in the British Army, it has had the effect of rendering that Army eminently fit for and capable of any service to which it may be called.

Sir H. Fane, 486, *et seq.* Sir H. Hardinge, 5653. Duke of Wellington, 5826—9.

Having adverted to these circumstances, which must enter into the discussion of the points upon which we conceive our judgment to be called for, we now proceed to consider the first of these points, as already stated.

The infliction of some sort of corporal punishment, has been in use in the British Army from the earliest periods.

The antiquity of any practice, however, cannot be set up as a defence of it, if there are strong and cogent reasons for its being discontinued; and in nothing, is this more true, than in the question of the efficacy of any punishment, which must, in great measure, depend upon the state of society, and the feelings of the people among whom it is to be used. Upon this principle, much of the severity of the civil criminal code of this Country has been relaxed of late years; and upon it, also, have been formed the restrictions now in force in the Army, as to the frequency and extent of corporal punishment.

It appears from the evidence of the adjutant-general, Sir John Macdonald, that in 1795, when he entered the Army, there was no limitation whatever of the power of regimental or other courts martial, of awarding corporal punishment, and that a great decrease in the number of those punishments has taken place of late years, in consequence of a more frequent use of the minor punishments in the power of commanding officers, and of the substitution of solitary confinement, imprisonment with hard labour, and transportation, in cases where corporal punishment used to be constantly awarded by the sentences of courts martial. In the year 1819, a general order was issued by his Royal Highness the Duke of York, requiring the transmission of returns of regimental courts martial, the extent of corporal punishment to be awarded by a regimental court martial, having been previously, in the year 1812, limited to 300 lashes. This limitation was in force until the passing of the Mutiny Act in 1832, when the award was farther limited to 200 lashes, and it so continues. In 1829 the award of a district or garrison court martial was confined to 300 lashes, and it so remains. The consequence of the vigilance of the commanders-in-chief in watching these punishments, and checking the application of them with undue severity, has been the decrease before alluded to. In the year 1830, a circular letter was issued by Sir Herbert Taylor, then adjutant-general, by Lord Hill's orders, which will be found in Lord Hill's evidence, and contains a full detail of the system, under which the Army is now conducted. Under this system it is stated, in the evidence of several of the officers who have been examined that, except in cases which require a prompt example, or where minor punishments under the authority of the commanding officer, as well as those which have been substituted for corporal punishment under sentence of a regimental court martial, have been tried without effect, corporal punishment is rarely awarded by regimental or district courts martial. Its application is also by a circular from the Horse Guards, dated 24th August, 1833, limited to certain offences, viz.:—

Sir John Macdonald, 11.

Sir John Macdonald, 34, 35.

Lord Hill, 5705, and p. 310, &c.

Lord Hill, 5706.

1. For mutiny, insubordination and violence, or using or offering to use violence, to superior officers.

2. Drunkenness on duty.

3. Sale of or making away with arms, ammunition, accoutrements, or necessaries; stealing from comrades; or other disgraceful conduct.

Previously to the issuing of that circular, there was scarcely an offence committed by a soldier which did not subject him to corporal punishment at the discretion of the court martial before which he was tried.

Having stated the system under which the Army is now governed, and the regulations under which this punishment is now made use of, we proceed to consider how far any such alterations, as are alluded to, in the early part of this Report, might be made in them, with advantage.

It will be found throughout the evidence taken by us, and the summary of the answers of the general officers and commanding officers of regiments to the adjutant-general's circular of 15th October, 1834, all of which are printed in the

Appendix, that a very general opinion prevails, that the power of commanding officers, with regard to the extent, to which they may inflict the minor punishments, and the discretion, by which they are to be guided in bringing offenders before a regimental court martial, as well as the range of offences now cognizable by such a court, is too limited.

Appendix, No. 1, p. 82—91. Capt. Hope, p. 128.

We cannot help thinking that it would be desirable to vest a greater discretion than is at present permitted, in these respects, in the commanding officers of regiments, and that the effect of such a relaxation would be to diminish the number of courts martial both regimental and district, and the consequent corporal punishments.

We now come to the main questions:—

1. Have the punishments resorted to as substitutes for corporal punishment, been effectual, and can they be relied upon, so as to make an immediate and entire abolition of that punishment safe and practicable?

2. Does our experience hold out a hope that, by an improved application of those substitutes, corporal punishment may be gradually abolished?

Upon the answer to these questions must depend the whole case, for the retention or abolition of that punishment, and we proceed to consider them with a due sense of their importance, not merely to the soldier who is subjected to it, but to the country which he serves.

The objections to the continuance of this punishment, as at present employed, or altogether, will be found in the evidence given by Major Fancourt, M.P., Colonel Evans, M.P., Major Beauclerk, M.P., Mr. Hume, M.P., Colonel Peronnet Thompson, M.P., and Colonel Sir Octavius Carey; and, indeed, throughout the evidence, there will be found, very strong expressions with regard to it, used by witnesses, who nevertheless are decidedly of opinion, that the power of inflicting it should be retained, and an earnest desire expressed to avoid it as much as possible, and to have recourse to substitutes, if such can be found, as will be effectual.

Undoubtedly the only ground upon which the continuance of any punishment, and more especially of any punishment inflicting severe pain, and in itself supposed to be disgraceful, must consist in its efficacy as an example, and although its effect in the way of the reformation of the person undergoing it, should not be, by any means overlooked, that must be considered a secondary object.

The objections to this punishment, as detailed in the evidence, may be thus stated.

Major Fancourt, 190. Col. Evans, 565. Major Beauclerk, 748. Mr. Hume, 816. Col. Thompson, 4543. Sir O. Carey, 296.

It is said to be inefficient for its object;—to degrade the character, and to tend rather to harden than reform the individual. Its effect upon those who witness it, is said, to be that of disgust, and sympathy for the offender. It is said to fail before the enemy. It is also said to be so contrary to the feelings of this country, in its present state of civilization, that the public mind is irritated against it, and that that circumstance alone calls for its abolition.

With regard to the inefficiency of corporal punishment for its object, there can indeed be no doubt that if the entire prevention of all crime and offence, has been expected from it, it may be predicated of this, as of every sort of punishment hitherto thought of, that it has not attained that object. But if the object is taken to be the repression of crime, by the means of example, it appears, from the evidence that, in many cases, where every other punishment has failed, it has had that effect, and even by those who speak of its infliction inspiring disgust in the bystanders who witness it, it is admitted to have great effect in deterring other soldiers, and especially the younger ones, from committing offences which will subject them to it.

To the second of these objections we observe that, throughout the evidence, including even that of the non-commissioned officers and soldiers, who have been examined, great doubt is thrown upon the fact of its being considered by the soldiers, at all events, a degrading punishment, if applied in the case of a military offence only. Almost the universal answer to the question of whether a man who has been punished at the halberds, is considered, by his comrades, as degraded by that punishment and consequently shunned by them, has been in the negative, and that the nature of the crime led to degradation, and not the punishment. And with regard to its effect as hardening and not reforming the individual, it will be found, upon looking at the evidence, that such is by no means the universal consequence. Many instances are given of men, who have undergone this punishment, having become good soldiers and having reached the rank of non-commissioned

Sir John Macdonald, 99. Lieut.-Col. Love, 908. Col. Fergusson, 1976. Sir L. Greenwell, 2309—12. Lieut.-Col. Townsend, 690. Lord Loughborough, 4292. Col. M'Cleverty, 5329. Duke of Wellington, 5836.

officers, and even of officers in some instances. When indeed it is inflicted upon men of confirmed bad habits, and, generally speaking, those are the persons who now subject themselves to it, it has failed in effecting their reform. But it may be asked whether any description of punishment would, in such cases, be likely to succeed, and we need only have recourse to the records of our civil prisons and our courts of law, to be satisfied how very rarely the reform of a man who has contracted the habits of vice and intemperance, has been effected.

It must be remembered also that it is frequently thought necessary to inflict this punishment, in a military body, when the moral reformation of the individual is, in no degree, its object; instances of insubordination which cannot be passed over, may and very often do occur where the offender is anything but an immoral or vicious person. The prompt infliction of corporal punishment may be necessary in such a case, for the sake of example and to prevent the spreading of a disorderly or mutinous spirit; but it cannot be said that its object is the moral reform of the individual: and we cannot help thinking that this constitutes a great difference between offenders against the military and the civil law. In the latter, the reform of the culprit is more mixed up with the vindication of the law. If the Mutiny Act and Articles of War are referred to, it will be found that a great proportion of the military offences, enumerated in them, would not, in themselves, be considered moral crimes, although highly dangerous to the discipline and efficiency of the Army, and consequently to the country. On the other hand, almost all the crimes for which culprits are tried by the courts of law, may well be supposed to arise from character and habit in the individual, which, for the sake of the rest of the community, it ought to be the object of the law to reform.

The next objection is, that it excites disgust and sympathy in the bystanders in favour of the sufferer.

It will undoubtedly be found by the evidence, that the sight of corporal punishment has a great effect upon those present, and that with the young soldier, that effect is sometimes so powerful, as to produce physical weakness and fainting. It is difficult to say whether this is disgust or terror, but we must observe, that such circumstances cannot arise without a very strong impression having been made upon the mind, and that, from that impression, must be derived a confident hope of the efficacy of the example presented to the eyes. But with regard to the sympathy of the bystanders, we can collect nothing from the evidence to show that such a feeling is aroused by this punishment, in the minds of the comrades of the culprit: on the contrary, the feeling seems to be almost universal among them that no man is punished in that manner, in these days, who has not deserved it; and

Serj. Scots Fusilier Guards, 1316. Private C. D. 1547.

in one case especially, which occurred a year ago in the 3d regiment of Guards, upon which the public mind was greatly excited, it appears from the evidence of the non-commissioned officers and men of that regiment, whom we examined, that the only feeling among them was, that the offender had not received a sufficient punishment for his offence; and, in the case of the marine punished in November last at Woolwich, who died in the hospital of a locked jaw, into which unfortunate

Serj.-Major Marines, 5377, 78.

case we have thought it our duty to inquire, we do not find that any sympathy was shown by his comrades.

Another objection to this punishment is that made by Lieutenant-Colonel Perronet Thompson, who says that it fails in the field and before the enemy, and,

Lieut.-Col. Thompson, 4660, 61.

in support of this opinion, that officer gives two instances, one in the 95th regiment, at Buenos Ayres, and the other in the 14th light dragoons, in the Peninsula;

4666.

in the first of these he conceives the offender to have been too lightly punished by the sentence of a court martial; and, in the second, that, although the persons, against whom he complained, had committed a considerable military offence, they were not punished at all; and that both these instances show the unwillingness to punish, by corporal punishment, in such circumstances.

4662.

It appears, however, that in the first, which was a decided case of mutinous language, the effect of the infliction of 150 lashes, to which the offender was sentenced, was, that no more was heard of such language, and in the latter, which was a case of disobedience of orders, that the officer to whom it was reported did not think the offence of so grave a nature, as to call for anything but the application of a strong expression to the offenders. But, on the other hand, we find in the evidence of Lieutenant Blood, an instance, in which the corporal punishment

Lieut. Blood, 5058.

of a soldier for insolence and insubordination, inflicted, as it were, in sight of the enemy, and when his regiment might, at any moment, have been engaged, had the immediate effect of restoring order.

We cannot, therefore, attach much weight to this objection, which, if founded at all, would equally apply to every other punishment, at a time, when the great object must be to keep the ranks of a regiment as full as possible.

The last objection to corporal punishment is undoubtedly one which calls for the most anxious inquiry into the grounds upon which it rests. Nothing can be more certain than, that in this country, and with the ample means afforded to every man in it, for the free discussion of any subject in parliament, in courts of law, in public meetings, and through the press, no practice can be long maintained which is really contrary to the well-considered judgment and settled feelings of the country. But in order to be sure of what we are doing, we must, before we give way to a feeling, such as is supposed to exist upon this subject, ascertain to the utmost of our power, in the first place, its real extent, and also whether it is founded upon reasons necessarily conclusive of the whole question at issue. In a country possessing such free institutions as ours, this caution is the only security we have against changes, which, upon their first being presented to us, bear the most tempting appearances. Upon the first of these points, namely, the extent of this feeling, it is difficult to form any very correct judgment, and persons, who are themselves impressed with any strong opinion upon any subject, are apt to overrate what they consider symptoms of a general concurrence with that opinion.

With regard to the reasons upon which the feeling in question is said to be founded, we have already adverted to some of them, but there remains one which seems to have had a great share in exciting it, and which we now proceed to consider. It is said that it cannot be necessary to retain the power of punishing the soldiers of the British Army by the lash, when we have, before us, the example of some of the Armies of Europe, and more especially that of France, in which no corporal punishment whatever is permitted. No man who lived during the long wars of the French revolution and the empire, or who has read of those times, can, for a moment, doubt, that that Army, whatever its discipline may have been, was equal to any military purpose whatever, so far as refers to energy and courage. The history of those times, however, affords instances of a licence, in the French Army, when in hostile countries, which scarcely any attempt was made to repress. In our Army, on the contrary, even in hostile France itself, the disposition to that licence was so effectually subdued as to acquire the confidence of the inhabitants of the districts, which it occupied, in the protection afforded by its discipline.

Sir H. Hardinge, 5653. Duke of Wellington, 5826—9.

We beg, however, in the first instance, to refer to what we have already observed, with regard to the composition of the French Army, in consequence of the mode by which it is recruited. Whatever other objections there may be to a conscription, no one can doubt that its effect must be to bring persons of all classes of the community into the ranks of the Army as private soldiers, and to give a military character to the whole population of the country in which it exists. In fact, corporal punishment was used in the French Army, so long as it was recruited by voluntary enlistment, and it ceased only when the state called every male citizen to its defence and service, without any distinction. Whatever objections there may be to this punishment, when inflicted upon persons of the description and habits of those who are likely voluntarily to enter on an indefinite term of military service in a free country, there can be no doubt that those objections have immeasurably greater force, when persons of all classes and habits, are torn, by an overruling power from their homes, their families, and from the profession of their choice, to perform a paramount duty to the state. A conscription, such as exists in France, would be intolerable in this country; but if such were the law, it might perhaps be unnecessary, and, if so, would certainly be unjustifiable, to retain this power of corporal punishment. It may indeed be said that the militia, when embodied, is subject to the same Articles of War, and that that force is in fact raised by a conscription. But even in the militia, when embodied in time of war, by far the greater part are substitutes raised among the very class of which the Army is composed. In the French Army, where what are called *remplaçans* or substitutes are permitted, we learn from the evidence of the French officers examined by us, that that portion of every regiment is, by far, the most difficult to bring under discipline, and the whole tenor of their evidence goes to shew, that, if that Army had no others in its ranks, its present system would be maintained with the greatest difficulty. If to this it should be answered that a great portion of the French Army consists of volunteers, the reply is evident,—those volunteers are from the same classes, as the conscripts, and, knowing that their country has, by law, a right

Sir H. Hardinge, 5653. Mem. of Duke of Wellington, p. 321.

M. Brès, 4848. Baron Bertrand, 4866.

Appendix, No. 3, Rapport au Roi, For 1832, p. 173. For 1833, p. 178.

to their services in the Army, they freely engage in it, and perform service in that which is, and always has been the favourite profession of that country, and to which they might otherwise be forced by the conscription. It appears, however, from the Returns of Punishments in the French Army, in the Appendix, that the volunteers are, in fact, nearly as difficult to manage as the substitutes.

Still confining ourselves to the French Army (for in most of the other Armies of Europe some sort of corporal punishment is in use), it is worth while to consider, what the punishments are in their military code, a list of which will be found in the evidence of Sir Willoughby Gordon, the quartermaster-general. It will be seen that no less than forty-five offences, are, by that code, punishable by death; and, although that extreme punishment is very frequently, in time of peace, commuted for long terms of detention in the galleys or in prison, we are led to believe a remission of it on service in time of war, to be far from common. In our Mutiny Act and Articles of War, authority to pass a sentence of death is always coupled with the words, " or such other punishment as a general court martial may award." In fact, an execution of such a sentence in time of peace in the British Army may be said to be unknown in these islands. On actual service, although sometimes resorted to, it is by many degrees less common than in the French service, in which, under such circumstances, death by shooting is the hinge upon which the whole system of discipline turns. Twenty-six other military offences are punishable with imprisonment for periods from five to twelve years, with or without what is called the *boulet*, which is a cannon-ball attached to the leg or body. Nineteen are punishable by periods of imprisonment, or what are called *travaux forcés*, or galleys, of from one to three years; and there are among the offences, enumerated in these categories, many which, in our service, would subject the offender at the most, to be tried by a district court martial, the limit of whose power of sentence in respect to corporal punishment is 300 lashes; for instance, the sale of arms, dress, or equipment, would be so dealt with in our Army, and is punished in the French Army, by the galleys, from two to five years; threatening language, also, is punished in that Army by five years' imprisonment. We cannot help thinking that it is matter of doubt, whether, if the option was given to the British soldier, between the two codes, he would not infinitely prefer that of our service, even taking into consideration the degree of degradation which is said to follow from the punishment at the halberds. But, after all, it would appear from the evidence, that the French code does not produce, even in time of peace, a discipline, in any degree equal to that which is enforced in the British Army.

Sir W. Gordon, 150.

Appendix, No. 3.

Code des délits et des peines, 21 Brumaire, An. V.

Col. Brotherton, 4160.

In considering this question, of the difference of punishment in the British and French Armies, we must not lose sight of the difference of the duties, which they have to perform, or of the circumstances, under which, soldiers are placed in the performance of those duties. A French regiment is usually together in one quarter, and never goes beyond the frontier, except for active service. It is very seldom embarked, and when it is, only for a hostile expedition, and for a short time. The kingdom of France is full of fortresses, affording the means of imprisonment and hard labour, besides three or more establishments of the galleys. An English regiment, on the other hand, is much more usually than otherwise, both at home and in the colonies, separated into detachments, and is, sometimes for months together, on board of ship in its passage out or home from a colony, or on its removal from one colony to another, a situation in which the perfect idleness of the soldier is very apt to lead to irregularities. In Great Britain and Ireland, there are few fortresses, and very imperfect means, indeed, of imprisonment or solitary confinement, except in the county gaols, upon which prisons, as applied to military offenders, we shall presently observe.

Having thus discussed the reasons upon which the feeling, for the abolition of corporal punishment, seems to be founded, we are far from denying its existence, or the propriety of attending to it as far as is compatible with the maintenance of that discipline which alone prevents an Army from becoming a curse to the country in which it exists.

Of late years, recourse has been had by the military authorities (under alterations in the Mutiny Act) to several punishments, by way of substitutes, and in the hope of rendering the use of the lash, to a great degree, unnecessary. In the sentences of general courts martial, transportation as a felon for life, or years, has taken place of those severe awards of corporal punishment so usual in former times, where the ultimate punishment of death was not applied, which punishment, although retained in our military code, seems to be practically applied to cases, which only occur upon

actual service, or under very peculiar circumstances. This punishment of transportation depends so much upon the treatment of the offender in the colony to which he is transported, that it is difficult to calculate upon its effect; and upon this subject, we beg to refer to the remarks upon the treatment of soldiers transported to Bermuda, under the sentences of court martial, which will be found in the answers of the general and commanding officers to the adjutant-general's circular, and also to an extract from a letter from Lieutenant-Colonel Cathcart, which will be found in the Appendix. But we confess it appears to us to have been a wise course to endeavour to get rid of those extreme corporal punishments, which, after all, were generally inflicted, in time of peace, upon men not worth keeping in the service.

Appendix, No. 1. Sir C. Campbell, p. 82. Major Pennefather, p. 85 Lieut.-Col. M'Dougall, p. 88. Lieut.-Col. Eeles, p. 121. Lieut.-Col. Cathcart, p. 129.

The other punishments which have been resorted to, as substitutes, are imprisonment, with or without hard labour, and solitary confinement; and we regret to say that the greatly predominant result of our Inquiry, is, to satisfy us, that, as hitherto inflicted, they have not so operated as to be depended upon as efficient substitutes. One great reason for their failure in this respect, is the uncertainty with regard to the degree of severity with which they are enforced. In one prison, imprisonment may be a real punishment, and the labour may be very severe; in the prison of an adjoining county, it may be any thing but a real punishment, and only enable a soldier to spend his time in comparative idleness, and in far more comfort, than if confined to his own barrack, and made to do duty, all the time. We are aware that this objection may be in part removed by the effect of regulations now in progress, but we speak of what actually has been, and now is, and the same observation will apply to solitary confinement.

Appendix, No. 1. Lord Hill, 5730, 31.

To make these punishments such as they ought to be, for the military, efficient and proper means of carrying them into execution in the several barracks should be provided, and military prisons, of sufficient capacity for the probable number of offenders, should be built. The complaints of the practice of confining soldiers, for military offences, with felons and convicts, will be found, on reference to the Appendix, almost universal. A soldier, although under punishment, should not lose sight of the profession, against the rules of which, he has offended; nor should he be placed, where he is in contact with men, whose notions of crime are not very strict, and who have none whatever, of the nature of a military offence. But even, if the means we have alluded to, be provided, we are not satisfied that these punishments can be depended upon as perfect substitutes for corporal punishment, although we are far from undervaluing them. However improved, they will still be deficient in one important requisite in military punishments upon certain occasions,—a striking and prompt example. A man, sentenced to a corporal punishment, is brought out before the whole regiment; the preparations for his punishment are made; the sentence is read, he is stripped, and receives his punishment. All this passes before the eyes of his comrades. In the other case, the offender is equally brought out before the assembled regiment, but there are no preparations for punishment to be seen; his sentence is read, he returns to his confinement, and is entirely lost sight of, by his comrades, until the period of that confinement has expired. If this punishment have any effect upon his comrades, it must be by a recital of his sufferings in prison, which can only be communicated by him to a few. They, in the mean time, have to perform his share of duty. We think it is impossible to say that, under these circumstances, corporal punishment does not afford the more effectual example. In confirmation of this opinion, we cannot help thinking that the fact which will be found in the evidence of two officers, who have lately returned from the auxiliary corps, now in Spain, will have great weight. In that corps, commanded by an officer, who has himself been one of the warm advocates for the abolition, corporal punishment has been carried to a great extent, not only when actually in the field, but when in garrison at Santander and Bilbao. We must, however, do justice to the commander of that corps, who, in his evidence, fairly stated the necessity of retaining the power of inflicting this punishment on service. It must, we think, be evident, that when an Army is actually in the field, these punishments of imprisonment and solitary confinement are unavailable; and the evidence of almost every witness, of every rank in the service, whom we have examined, and who knows what actual service is, justifies us in so thinking.

Appendix, No. 1, p. 72—81.

Mr. J. W. 5470, *et seq.* Capt. Dickson, 5884, *et seq.*

Col. Evans, 605, 653, 54.

Before we finally close our remarks upon the substitutes, now used in lieu of corporal punishment, it may be well to advert to an order of the council of India, for the total abolition of corporal punishment in the native troops in the service

Lord W. Bentinck, 5469.

of the East India Company, which is dated in February 1835. We have had the opportunity of examining Lord William Bentinck, who was governor-general at the time, and upon whose recommendation this order was issued, and the order

Min. of Evid. 5630, *et seq.*

itself, as well as his evidence, will be found in the Appendix. It will there be seen, that his Lordship's main reason for thinking the use of corporal punishment might be safely abolished, is, that to the native soldier a discharge from the service, is, in itself, so severe a punishment as to make the application of corporal punishment unnecessary, in his case, and that it may therefore be considered as an efficient substitute for that punishment. We cannot, however, help thinking that this reason is founded upon somewhat doubtful grounds; and

Min. of Evid. p. 288—291.

there will be found, annexed to his Lordship's evidence, the Reports of the Committees, appointed by him in each Presidency, to inquire into the expediency of altogether abolishing corporal punishment. There will also be found in the

Appendix, No. 4, p. 190—4.

Appendix, some general orders of the Presidency of Madras, containing several sentences of courts martial, on sepoys, for mutinous and insubordinate conduct, which have occurred since the order in council in question was issued; in one of them the expressions of the offender clearly shew, that the punishment of discharge from the service, is not, in that presidency at least, so much dreaded as has been supposed, by the native soldier. At all events, such a theory does not appear to us to be applicable either to Your Majesty's Army or to the European troops in the service of the East India Company, in either of which the mere discharge can rarely operate as any punishment whatever.

Lord W. Bentinck, 5566.

There will also be found, in Lord William Bentinck's evidence, the mention of a minute laid by him before the council of India, proposing the establishment of penal companies in each Presidency, to whose ranks that punishment should be limited, and that all hardened offenders, in the Company's European regiments, and those of Your Majesty in India, for whose correction all other punishments have proved insufficient, should be sent by sentence of a general court martial to those companies. That minute, which contains the whole detail of the proposed

Minute, p. 291.

establishment, is also annexed to his evidence. His Lordship says that, however anxious he may be, for the abolition of corporal punishment, he is of opinion, that such a step would not be safe, unless some efficient substitute should previously have been discovered. This expedient of penal companies, or condemned corps,

Col. Evans, 640.

is also suggested by several others of the witnesses, and it is therefore desirable that we should consider it, more especially as on the other hand, it is far from meeting with the approbation of many of the officers of the highest rank,

Lord Hill, 5793. Duke of Wellington, 5872.

and greatest experience, among those, whom we have had the opportunity of examining.

As a military corps, and for the purposes of military service, we doubt whether a corps, consisting of the most hardened and unmanageable description of men, collected from different regiments, can be useful, or to be depended upon under any circumstances. Such a corps would require the most careful selection, both of commissioned and non-commissioned officers, to serve in it, and the real efficient part of the Army would thus be deprived of their services. It would be dangerous to leave those corps, without the presence of some other troops, to watch and restrain them, if necessary; and, after all, these inconveniences would be encountered and all the consequent expense incurred, for the purpose of retaining in the service, men who have been previously found not to be trustworthy, and to be incapable of being made useful soldiers. If the object be their reformation,

M. Brès, 4811—29.

we beg to refer to the evidence of the officers of the French Army, who state that the regiments of discipline, which were established in that Army for that object, have entirely failed in producing any such result, and in consequence that they are about to be broken up. We have already said that the great excuse for the use of corporal punishment, consists in the prompt example it affords, which is presented to the eyes of those who witness that punishment. What advantage can there be in retaining the use of it, in corps, in which its infliction can have little or no effect? There have been more than one experiment of this sort made already in our Army, and they have failed. The history of that corps, which was established at Sierra Leone, some years ago, is a fatal one. If it be thought necessary to keep such men at all, we cannot help thinking that it should not be in any respect as soldiers, but in penal or convict gangs, such as those on board the hulks, and in Australia, for the mere purposes of labour, at the public works, for such periods as may be thought fit. Such a plan might possibly be tried with advantage, as the means of disposing of such men, as shall have been found

utterly incorrigible, and are a burthen and disgrace to their regiments. Frequent reference is made by the officers, who have been examined, to the difficulty of getting rid of such men, and they have even suggested that it would be very desirable that commanding officers should have the power of discharging them, if it were not for fear of its leading to the committal of offences, for the very purpose of being discharged. The punishments in every regiment are very much confined to this description of men, and we have no doubt that the power of getting rid of them, by removal to these gangs, would, under proper restrictions, greatly tend to diminish the frequency of corporal punishment. In case this suggestion should be acted upon, these men should receive no pay, and be in every respect upon the footing of convicts, and not be allowed to return to the service.

Col. Burrell, 1889. Col. Fergusson, 2011. Lord F. Fitzclarence, 3265.

Evidence, *passim*.

After a careful examination into the result of the several substitutes for corporal punishment now in use, we regret to say that none of them, as at present enforced, appear to have answered, or to be likely to answer the purpose of rendering that punishment entirely unnecessary, nor have any others been suggested to us which appear to promise to effect that purpose.

There is, however, one suggestion which has been made by those, who have a strong feeling against the use of corporal punishment, to which we must advert, namely, that the power of inflicting it should be confined to the Army upon actual service, and entirely taken away as respects the regiments quartered in these islands and the colonies. We cannot recommend the adoption of this suggestion. If this power be taken away at all, the rule must be universal, and applied to all circumstances, equally. The soldier must not be told, that that power cannot be permitted to exist, while he remains in a situation, where he is called upon for comparatively easy duty without risk, but that from the moment he is required hourly and daily, to undergo the severest hardships and privations, and to risk his life in the service, he is to be subject to that punishment, which has been declared to be degrading, and calculated to impair and to destroy those moral feelings, upon which the country has to depend, for the energy and exertions which are the foundations of its military glory, and the success of its arms. To place him in such a position would be both inconsistent and unjust, and cannot be defended.

Mr. Hume, 874.

Hitherto, our remarks have been applied to the entire and immediate abolition of corporal punishment; we now proceed to consider it, with a view to its restriction within narrower limits than at present, both as respects its severity and frequency.

We assure Your Majesty, that we have looked at every part of the important question, which has been submitted to our Inquiry, with the most earnest hope, that its result might be, to satisfy our own minds, that it is possible, safely, to gratify the feeling, which has called for that abolition.

In proportion, therefore, as the evidence, we have received, has weakened that hope, our anxiety has increased, to discover the means, by which, reserving the power, its infliction may, without endangering the discipline of the Army, be rendered still more rare than at present, and less obnoxious to those, who are impressed with the feeling to which we have alluded.

One of the most common arguments for the total abolition of this punishment, has been, that, so long as it is permitted, the officers of the Army will not be induced to use their best exertions to avoid its use. The whole tenor of the evidence is contrary to any such hypothesis. Officers of all ranks speak of it as an evil, rendered necessary by the description and prevailing habits of our soldiers, and more especially the vice of drunkenness, which is, we fear, far from being confined to the ranks of the Army, but pervades the population of the country to a great extent. It is over and over again repeated, that the propensity to that vice is, in fact, the occasion of almost all the faults, that are committed by British soldiers, and that, if it could be subdued, punishment of any sort would rarely be necessary. So far from there being any wish to retain the power of this punishment unnecessarily, or its being resorted to where it can be avoided, there are instances, one of which more especially is mentioned by the Duke of Wellington, in which the wish to avoid corporal punishment led a commanding officer, into the adoption of a variety of minor punishments, by which the men were so harassed, that the most serious consequences were apprehended.

Duke of Wellington, 5799.

With regard to the offences, for which, the soldier should be liable to corporal punishment, we beg to suggest, whether they might not be more clearly defined than at present. Insubordination, for instance, has many shapes in which it

appears, and it probably would not be impossible to describe more exactly which should be so punishable.

An important question which presents itself upon this head is, whether the most is made, of the minor punishments, to obviate the necessity of recurring to corporal punishment.

We have, in a former part of this Report, stated the prevalence of an opinion among all ranks of officers and non-commissioned officers that the powers of commanding officers are too limited, and we recommend a reconsideration of the regulations upon that point.

We have already stated, that the disposition to drunkenness, is the most fruitful source of crimes and breaches of discipline in our Army, and, unfortunately, it is difficult to impress, even upon the good soldier, that drunkenness off duty is, in itself, reprehensible. In order, however, to check this practice, the soldier is punishable under the Articles of War, by the sentence of a court martial, for habitual drunkenness, to constitute which offence certain particulars are required, and for drunkenness on duty, by forfeiture of his beer-money and a portion of his pay, to a certain amount and for a limited period. The consequence is, that it too often happens, that the habitual drunkard, in order to avoid these forfeitures, does not return, or is prevented, for a time, from returning to his barracks by those, in whose society he is, although he is, for the absence without leave, equally subject to punishments of another description. During this absence, his comrades have to perform his duty. We are aware that any interference with the pay of a soldier should be well considered, but we think that the principle of no work, no pay, might safely be applied to such a case; and that, without the sentence of a court martial, the pay of the soldier, or that part of it, which would otherwise have been paid to himself, should be stopped by his commanding officer, as a matter of course, for every day upon which he has been absent, unless upon inquiry his absence is satisfactorily accounted for. As it is now arranged, he has, upon his return from this absence without leave an arrear to receive, which only enables him to repeat the irregularity. Upon the principle here recommended, the regulation lately introduced into the Mutiny Act, that in all cases of confinement, and consequent avoidance of duty, the offender, if subsequently convicted of the offence, incurs forfeiture of pay during the whole period of confinement, both before and after conviction, seems to have been founded.

Appendix, No. 1. p. 92—103.

Some of the officers, whose answers to the circular letter of the adjutant-general, will be found in the Appendix, speak of some alteration with regard to the barrack canteens as advisable, with a view to enable them to check the practice of drunkenness in their regiments. If there is any ground for an opinion of that kind, of which, however, we do not think we have before us sufficient means of judging, from the evidence, we can only express a hope that no pecuniary saving or advantage to Government, from the establishment of these canteens, may stand in the way of proper regulations respecting them, or their being entirely done away with, if necessary.

Sir J. Woodford, 3876—82.

With regard to the question of confining the infliction of corporal punishment to a degraded class, or, according to the suggestion of Sir John Woodford, to be awarded only under the sentence of a prevotal court, we do not think the prospect of a reduction in the number of these punishments, would be, at all, affected by such arrangements. Great distinctions are already made between the good and the bad in every regiment, and it seems to be the opinion of many of the most experienced officers in the Army, that a more decided classification cannot be carried into execution with any good effect.

Lord Hill, 5762, 63. Duke of Wellington.

We are now arrived at the last point, to which our attention has been directed, namely, whether the effect of increased rewards and advantages to the soldier might not be such as to bring into the ranks, a better description of persons, and by so doing, render the retention of the power of corporal punishment unnecessary. It is possible that a great increase of pay and advantages to the military, might have this effect, but that increase must go to an extent which we cannot contemplate, and which would make the expense of the Army so burthensome as would not be borne by this country.

If the Army were not recruited as it is now, and a rigorous conscription was submitted to, forcing all classes of the inhabitants of this country into the ranks of the Army, it might, as we before observed, render corporal punishment unnecessary; but a conscription to answer such an object must be far more rigorous in its operation than that of France, and be more analogous to that of Prussia.

In France, we are informed, that the discipline of the Army suffers greatly from the number of *remplaçans*, and that the proportion of that class, in the richer provinces, considerably exceeds that of the same class in the poorer. In this country which is so much richer, therefore, unless personal service was strictly enforced, the conscript of the better classes, would, beyond doubt, find a substitute at any cost; and when we speak of better classes, we do not allude only to what are frequently called the higher classes. We find, from the evidence of the French officers, that the sum usually paid for a substitute in time of peace is 1,200 francs, or nearly £50 for the Infantry, and from 1,500 to 1,800 francs in the special arms of the service; and that in time of war, under the Empire, the common price was from 12,000 to 20,000 francs.

Baron de Lostende, 4731.

Baron de Lostende, 4732.

Baron Bertrand, 4873.

Both the suppositions, above referred to, appear to be wholly out of the question, and we must deal with it, as matters are, not as they might be, and inquire what improvements can, with any probability of their adoption, be suggested.

It is objected to our mode of recruiting, that those, who are employed upon that service, are not so strict as they ought to be, as to the previous character of the persons whom they enlist, and that this leads to the admission of men into the Army whose character and dispositions render the maintenance of discipline so difficult as to require the continuance of severe punishments.

Upon this point, we have, in the evidence of Colonel Mackinnon, of the Coldstream Guards, the instructions under which that regiment is recruited, and it will be seen, that an inquiry into character, is directed by those instructions. Inquiry is, in fact, generally made as to the character of recruits in time of peace, and we are inclined to believe that men, who can be fairly said to be of confirmed bad character, if known, are not taken. But still there can be no doubt that men of habits, very difficult to reform, are permitted to enlist. For instance, a young man of good appearance presents himself for enlistment. He has been wild and idle, has got into scrapes, has perhaps been the plague of his neighbours, and an annoyance to his family. His character is inquired into, and, without any actual impeachment of his honesty, the character he would probably receive from those, of whom the inquiry is made, would be unfavourable. Any one, however, who knows anything of soldiers, will be apt to think that the very spirit which, uncontrolled, has led him into these excesses, may, when he has been forced, by discipline, to submit to restraint, be of great value in the profession into which he is about to enter. What is generally called a good character, which we take to mean a character for morality and good behaviour, such as would be required for a servant or an office of trust, does not appear to be absolutely necessary, however desirable it may be in a recruit. But in time of war, or when any number of recruits are wanted upon an emergency, great nicety as to character is evidently impracticable, and therefore no very great alteration in the description of men who fill the ranks, can be expected to follow, from greater strictness in this respect.

Col. Mackinnon, p. 192.

Lord Hill, 5757.

There will be found, in the evidence, suggestions with regard to increased attention and encouragement to regimental schools for the men, and to the providing libraries and a reading room in every barrack, to enable them usefully to occupy their idle hours, which in this country, and more especially in the warm climates of some of our foreign stations, hang heavily upon them. It appears from the regulations, which are published in the Appendix, that the East India Company have created establishments of this sort, at the principal European stations of their Army, and we cannot help recommending this subject for consideration.

Appendix, No. 4, pp. 186—189.

We think too, that every facility should be given in barrack yards, for the enjoyment of manly games by the soldiers, such as fives courts, and rackets, and by providing additional spaces of ground, where necessary, for cricket and foot-ball, and that those games should be encouraged as much as possible by the officers. The public exercise of these and similar amusements, might also give additional attraction to the service.

The Rev. Harry Stuart and Surgeon Henry Parkin speak in very strong terms of the unsatisfactory manner, in which the religious instruction of the soldiers is attended to. The first of these witnesses is a clergyman of the Church of Scotland, who has served for some time, as chaplain to the garrison at Aberdeen, and the last is surgeon to the division of marines at Woolwich. Mr. Stuart seems to have been actuated by the warmest zeal in the performance of his duties, and he has received the most satisfactory testimonials from several commanding officers of the favourable results of his exertions. There can be no doubt that, in the time of sickness and of suffering, favourable impressions with regard to religious and

Mr. Stuart, 4204. Mr. Parkin, p. 274.

moral duties are most easily made, and we regret to say that the arrangements, now in force upon this head, seem to be utterly inadequate to ensure the attendance of a respectable clergyman.

Lord Hill, 5753—5.

The evidence of almost all the witnesses, we have examined, tends to encourage a hope, that the establishment of an order of merit, with a medal or some distinction of dress, bestowed in front of the assembled regiment, would have a considerable effect upon the discipline of the Army, and that the taking from the soldier that distinction with the same ceremony, under the sentence of a court martial, would operate as a heavy punishment. Without entering into any details upon this subject, we cannot help earnestly recommending its adoption, with sufficient securities against its being bestowed too indiscriminately, or too frequently, and with different decorations for gallant conduct in the field, and upon other occasions, from that which is given for mere good behaviour.

Appendix, No. 3. Nos. 16, 17, 18.

The regulations of the French legion of honour will be found in the Appendix.

The real and substantial reward to which every soldier looks, with the utmost anxiety, is a pension after his service. That pension, however, should not be too easily attained, and, as a powerful assistant in enforcing discipline, good conduct should be made necessary to establish the claim, and bad conduct should render it liable to forfeiture, even up to the last moment of service. In the grant of a pension for disability also, the greatest care should be taken that it is not converted into a provision for men, who, by their own vices and irregularities, have brought that disability upon themselves. These appear to us to be the main principles upon which a system of pensions ought to be founded, and if the system be a good one, no consideration of economy should stand in the way of making that pension such a one, in amount, as would be a real object to the soldier to attain, and the loss of it a real misfortune. Having stated these principles, we can only recommend a careful revision of the regulations and practice upon this important subject; and in calling the attention of the authorities to it, we cannot avoid stating that it does appear difficult to account for the fact, stated in Lord Hill's and Sir Henry Hardinge's evidence of the existing difference between the pension of the soldier and of the marine.

Lord Hill, 5782. Sir H. Hardinge, 5682.

We come now to alterations of the most vital nature, which have been, in part at least, alluded to by other witnesses, but more fully stated by Mr. Hume, in his evidence, "as the means of inducing the educated sons of individuals in comfortable situations of life to enter the Army, provided corporal punishment was also abolished." The first of these alterations is, "that a portion of either one-third, one-half or two-thirds of the first commissions, as may be determined upon, should be granted to men, who have gone through with credit the gradations of private, corporal, and non-commissioned officer." With reference to this point we have examined most of the officers of experience, whom we have had before us, and we have also had the opportunity of examining two gentlemen, who have themselves served in the ranks, and obtained commissions. Mr. Blood, one of those gentlemen, now a lieutenant upon retired full pay, obtained his commission in the Peninsula, as a reward for gallant conduct, and the other, Mr. Winterbottom, the commissions of lieutenant and of paymaster, for excellent conduct in every respect, and he is still in active service.

Mr. Hume, 867.

From the evidence, more especially, of the Duke of Wellington and Lord Hill, we collect, that the giving commissions to deserving non-commissioned officers, is by no means unfrequent, and that, in some instances, those officers have risen to considerable rank in the Army. The usual commissions bestowed in this way, in time of peace, are those of adjutant and quartermaster, which latter commission is now always so given, although it appears from the return given in by Lord Hill in his evidence, that these promotions are not confined to those situations. The Duke of Wellington states, that in the Peninsula, he was in the habit of frequently appointing non-commissioned officers, to the vacant commissions. Neither of those distinguished military men, nor indeed, any of the officers of experience, give a very favourable account of the success, generally speaking, of these appointments, or encourage the gift of commissions in settled proportions, or, as an admitted claim, to non-commissioned officers, and a very general feeling seems to prevail that such a regulation would entirely alter and deteriorate the class of officers, without any corresponding advantage.

Lord Hill, 5767—73.

Duke of Wellington, 5852.

Lord Hill, 5776, 77. Duke of Wellington, 5853.

One of the essential requisites, hitherto, in the Army has been, that its officers should be of a station and education to fit them for any society in which they may be placed, and, in our military Code what is called ungentlemanly conduct, is an

offence of the very highest nature in an officer; it is, therefore, most imperative, that the line should be very strictly drawn between the officer and the soldier. That sort of intercourse between them, which appears to be not unfrequent, in the French Army, and which takes place, in consequence of that result of the conscription, we have already alluded to, as forcing persons of all grades of society into the service, cannot be permitted in a service constituted as ours. All officers too, in our service, are upon an equal footing in point of society, and it is highly important for the maintenance of a proper feeling, and of what is called "*esprit de corps*," that they should all meet daily together at the mess table. They there become acquainted with each other's habits and tempers, and many a useful lesson of restraint, in regard to both of these, is learnt in that social intercourse. To the young officer, this system is invaluable; and we cannot but fear, that the frequent admission into it, of persons who are of an age to have contracted habits, from their former modes of life and the society in which they have lived, would be very likely to destroy that system altogether. On the contrary, in the French Army, the officers go to different places for their meals, and the intercourse of society between them is very limited in comparison. Nor is the gift of a commission to a good non-commissioned officer always such a real advantage to the individual himself as may be supposed. Mr. Blood, for instance, tells us, that he should have found great difficulty in equipping himself in his new situation, but for the pecuniary assistance derived from his brother officers, as well as in living with the other officers, if he had not been in the field, when he obtained his commission, where that source of expense was, in a great measure, saved to him. Mr. Winterbottom also speaks of the same difficulties, and of his uneasiness, at first, in the new society in which he was placed. It must also be remembered, that a man who has served in the ranks, and as non-commissioned officer, with credit, can rarely be in the same period of life with the young officers with whom he is to mix, and he is too often a married man. That these same objections operate in some degree in the French Army is clear, for we have the evidence of Colonel de Lostende, that it is by the conscription bringing persons of better rank and condition into the Army, that they are enabled to give so many commissions to the non-commissioned officers.

G. J. M., Esq. 4481. Baron de Lostende, 4796.

Lieut. Blood, 5072—5.

Paymaster Winterbottom, 5198—5210.

Baron de Lostende, 4736.

The other suggestion made by Mr. Hume is, that a large proportion of the officers of Customs and Excise, of police, and messengers in public departments, should be taken from the ranks of the Army, and he refers to Prussia, as an example of the good effects of such a system. There can be no doubt that if here, as in Prussia, the Army were the high road to all offices, such an effect, as he supposes, might be produced; but we are far from believing that the feeling of this country is military enough to admit of its being made so.

Mr. Hume, 867.

We cannot conclude our remarks upon the evidence, as applied to the suggested means of obviating the necessity of retaining the power of corporal punishment, without noticing an argument that has been much pressed, and appears upon the first statement to have great force. It may be thus stated,—there are some regiments in the service, in which by the prudence and skill of the commanding officer, and by his unremitting attention and kindness to the soldier, the use of corporal punishment has been entirely avoided, and some of those officers speak confidently of being able to manage their regiment by what may be called moral discipline, rather than by punishments. We have no doubt that rare instances have occurred of that sort, but it is too much to assume that, in fact, this moral discipline would have been so effectual, if there had not been a knowledge, on the part of the men, that, if driven to it, corporal punishment was within the reach of their officers.

Appendix, No. 1. Col. Evans, 70th Ft. p. 116.

We find, in the evidence of Lieutenant-Colonel Duncan Macgregor, a proof of the fallacy of taking particular instances of corporal punishment having been for some time avoided in regiments, as proof of the power to inflict it not being essentially necessary. Colonel Macgregor, a distinguished officer, has commanded for many years the 93rd regiment, or the Sutherland Highlanders, which has generally been recruited in that part of Scotland; by which means, the men were known to each other, and the regiment, so long as that mode of recruiting was adhered to, had all the character and feelings of a clan. Colonel Macgregor tells us, not only that he endeavoured to do without corporal punishment, but that, as far as the great mass of a Highland regiment is concerned, he thinks it a great evil. The regiment, in the course of service, went to the West Indies, and having lost a considerable number of men, he found it necessary to recruit in the

Lt.-Col. Macgregor, 1751.

Lt.-Col. Macgregor, 175—7.

great towns of Scotland. He further tells us, that, in the West Indies, several corporal punishments were inflicted in the regiment by sentence of courts martial, that these punishments were, by no means exclusively, among the men so recruited from the towns, and that he attributes the change in the dispositions of the men, which made these punishments necessary, to the effect of the climate, and the long stay of the regiment in the West Indies, for which opinion he gives his reason at some length.

We have here an instance, in which the commanding officer, if he had been asked some years ago, would have readily answered that he could, in his regiment, dispense with corporal punishment, and now who says that he again looks forward to being enabled to manage that regiment without it, and yet, in the interval, in consequence of the climate to which they were sent in the course of service, and the necessity of recruiting it in a manner more analogous to that of the rest of the Army, occasioned by the loss of men, corporal punishment did become necessary in spite of the decided feeling of the commanding officer against its use.

There now only remains for us to submit to Your Majesty the conclusions which, in our judgment, are the results of the whole evidence:—

1. That the opinion of almost every witness, whom we have examined, is, that the substitution of other punishments for corporal punishment in Your Majesty's Army, upon actual service and in the field, is impracticable, and, if practicable, would be insufficient for the maintenance of proper discipline.

2. That the abolition of the power of awarding corporal punishment, by sentence of court martial in the British Islands and the Colonies, and during peace, and the retention of the power of inflicting that punishment when the Army is on service and in the field appears to us, for the reasons we have stated, manifestly unjust.

3. That it does not appear to us, that the punishments which have been resorted to as substitutes have hitherto had such an effect as to render it safe to abolish altogether that power in Great Britain or the colonies, nor have any other punishments been suggested to us that appear to promise a more favourable result.

4. That it appears to us, that, even supposing that some effectual substitute might be devised, or that those now in use might be made more effectual, so as to render corporal punishment ultimately unnecessary, it would be unsafe to proceed at once to abolish it entirely, and that, even in that case, its abolition should be gradual.

5. That in order to give full effect to the punishments now in use as substitutes for corporal punishment, considerable alterations must be made in the means of rendering solitary confinement in the several barracks more effective, and that a certain number of prisons exclusively for military offenders should be provided as soon as possible.

6. That, although we have been unwillingly convinced of the necessity of still retaining the power of corporal punishment, and in proportion to our conviction of that necessity, we earnestly recommend, that no pains may be spared to endeavour to make its infliction less frequent.

7. That, with the view of diminishing the frequency of this punishment, the offences to which it is limited, and the occasions upon which it should be resorted to, should be more clearly defined.

8. That, with the same view, more discretion should be vested in commanding officers as to the power of making use of minor punishments, and in determining on the offences which shall, under their orders, be tried by a regimental court martial.

9. That it appears to us that the extent of the sentences in the power of the several descriptions of courts martial to award, may, without danger, be more limited than at present.

10. That encouragement should be given in the way of honorary reward and distinction, both to the gallant, and to the well-conducted soldier.

11. That no consideration of expense, within reasonable bounds, should be allowed to stand in the way of attending to the comforts of the soldier while in the service, and of a sufficient pension for the good and deserving man, after that service has been performed.

We cannot close our Report, without assuring Your Majesty, that we find ample evidence of the earnest desire, and the most strenuous efforts upon the part, not

only of the superior officers, but of officers of all ranks, so to conduct the discipline of the Army, as to render corporal punishment as rare as possible; and more especially, we observe that the commanding officers are fully aware of Your Majesty's gracious wishes in that respect, and we are satisfied that they will persevere in giving the fullest effect, by the strictest attention to the moral discipline of their regiments, to those wishes.

How far the result of the Inquiry in which we have, by Your Majesty's Command, been so long engaged, will tend to remove or mitigate the feeling which now prevails against the use of corporal punishment in the Army, we know not; but we can assure Your Majesty that we have endeavoured to sift the questions, submitted to our Inquiry, fully and fairly, and without prejudice, and that we have formed our opinions upon the result of the very best evidence, that could have been obtained upon the question.

Finally, we feel it to be our duty to Your Majesty to state our conviction that if it were possible to introduce such a system of discipline as that of France into Your Majesty's Army (a system which in its effects we believe to be far from being as successful as that of Great Britain), it could only be by the establishment of such a rigorous conscription of all ranks as we believe would not be endured, and by a change in the whole tone of this country, as to the military service, such as we have no expectation of seeing effected.

We humbly submit this, our unanimous Report, to Your Majesty's Royal consideration.

WHARNCLIFFE. (L. S.)
JAMES KEMPT. (L. S.)
SANDON. (L. S.)
EDWARD HYDE EAST. (L. S.)
R. CUTLAR FERGUSSON. (L. S.)
E. BARNES, Lieut. Gen. (L. S.)
THOS. REYNELL. (L. S.)

*India Board,*
*March* 15, 1836.

# MINUTES OF EVIDENCE.

*Thursday, 12th March,* 1835.

The Right Hon. Lord WHARNCLIFFE in the Chair.

Major-General Sir *John Macdonald,* K. C. B., Adjutant-General, called in and examined. *Sir J. Macdonald.*

1. You are adjutant-general of the British Army?—Yes.
2. How long have you been in that situation?—Since the year 1830.
3. Previous to the year 1830, in what situation were you in the Army?—I was deputy adjutant-general of the Army from the year 1817.
4. How long is it since you entered the Army?—In the year 1795.
5. Did you continue to do regimental duty for some time after you entered the Army?—I was five years doing regimental duty after I entered the Army. After that I was on the staff.
6. In what situation?—I was assistant adjutant-general.
7. So that you have been connected with the adjutant-general's office ever since the first five years of your entering the Army?—Not exactly. After being some time in the adjutant-general's department, I was again doing duty as major, in the 43d regiment, for a year.
8. Did you ever command a regiment?—No, I never commanded a regiment.
9. When you first entered the Army, were the regulations in respect to the punishments by courts martial on the same footing as they are now?—No.
10. With respect first to regimental courts martial,—was the extent of their power in respect to corporal punishments the same that it is now?—No.
11. Were they limited in any degree?—No; there was no limitation whatever as to their power of awarding corporal punishment.
12. Since that period a limitation has been made?—There has.
13. Will you state the limitation as it now stands?—In the year 1812, a confidential circular was addressed to commanding officers of regiments, limiting the award of corporal punishment by regimental courts martial to three hundred lashes. It so remained until the passing of the Mutiny Act in the year 1832, when the award of corporal punishment, by regimental courts martial, was restricted to two hundred lashes, and so it remains now. I will mention also the restriction as to the intermediate court martial, to wit, the general regimental court martial. The first change which took place in the administration of martial law in the Army was in 1812, when an institution called general regimental courts martial was introduced, and those general regimental courts martial were restricted to an award of five hundred lashes.
14. How was that court composed?—Of the officers of the regiment to which the culprit belonged, the president in all cases being a field officer. That court martial does not now exist. In 1829 the district or garrison court martial, which is now a substitution for the general regimental court martial, was restricted to an award of three hundred lashes, and so it now remains.
15. What are the numbers of a regimental court martial?—The number is ordered to be five, but may consist of three.
16. At what period after joining the regiment may an officer be placed on a regimental court martial?—He is never to be placed on a regimental court martial until he is what is considered perfect in his regimental duty; but he is ordered, in the mean time, to attend courts martial, as an observer, in order to learn that important part of his duty.
17. Are the officers chosen for these regimental courts martial taken by rollster of the regiments?—Regularly.
18. There is no power on the part of the prosecutors or the prisoner to object to any member of that court martial?—In the case of general courts martial, and district courts martial, there is; but in the case of a regimental court martial I cannot trace an instance of a challenge of that kind being either made or admitted.
19. Since your acquaintance with the Army has the number of corporal punishments increased or decreased?—Since my acquaintance with the Army it has materially decreased, I should say, enormously.
20. Has that decrease taken place more in late years than 10 or 15 years ago?—A great decrease has taken place in late years.
21. Has that been in consequence of special orders from your office?—In consequence of the vigilance of the commander-in-chief in watching this punishment, and checking the application of it with undue severity, in every instance.
22. In order to ascertain the number of punishments in each regiment there are probably returns made from each of those regiments?—Regularly.
23. When were those returns first ordered from the Army?—I cannot charge my memory at the moment with the precise period, but the transmission of returns of courts martial, and of punishments inflicted, are of very recent date,—within the last few years. The gross

*Sir J. Macdonald.*

number of corporal punishments was always annexed to the monthly returns; but those detailed returns of crimes and punishments are of comparatively recent date.

24. When you first entered into the Army were there returns made of all punishments?—Certainly not.

25. When were the confidential half-yearly reports first established by his Royal Highness the late Commander-in-chief?—It was in the year 1798, and in the year 1819 a general order was issued by his Royal Highness requiring the transmission of returns of courts martial.

26. As corporal punishments have decreased some other punishments must have been introduced in their room?—Yes.

27. What are those punishments?—The punishments at present inflicted in the British Army are but few. The punishment of death, transportation, imprisonment without hard labour, with hard labour, solitary confinement, forfeiture of beer money, forfeiture of additional pay on account of service, and forfeiture of pension on discharge.

28. Which of those punishments are applicable to offences triable by regimental courts martial?—At present a considerable number of crimes that were formerly tried by regimental courts martial are, by the alterations made in the Articles of War, and the Mutiny Act in 1829, cognizable only by the district or garrison court martial; but when it is the object of the commanding officer to try any case by a regimental court martial which is made cognizable by a superior tribunal only, viz. a general, or district, or garrison court martial, he may obtain leave, under the 85th article of war, to do so by application to superior authority.

29. Then the district court martial takes notice of all offences which may not be punished capitally?—They cannot sentence to transportation.

30. Is there any appeal of any kind from the sentence of a regimental court martial?—Yes, to a general court martial, under the 121st article of war, in a case in which a non-commissioned officer or soldier thinks himself aggrieved by the captain or other officer commanding the troop or company to which he belongs.

31. So that if a soldier is convicted of an offence, and sentence passed upon him under a regimental court martial, he may appeal from that sentence to a general court martial?—Not except in the instance above stated, and then he makes his appeal at his peril.

32. At what peril?—If his appeal is found to be vexatious and groundless, he is then liable to be punished at the discretion of the general court martial to which his appeal is made.

33. Has the punishment of confinement for a time, either with or without labour, been substituted in any instance for corporal punishment?—In numberless. That is, where, without substitution, corporal punishment would have been awarded.

34. And also the stoppage of pay and deprivation of those advantages he derives from length of service?—Yes. All those minor punishments are now most industriously resorted to in that shape, and with a view to avoid the infliction of corporal punishment as far as may be consistent with the due maintenance of discipline.

35. Are there any other punishments which have been resorted to with a view of doing away with corporal punishment?—Yes, solitary confinement. There are minor punishments the commanding officer has it in his power to inflict without going to a court martial, such as extra drills, confinement to barracks, extra parades, and of course the denial of the ordinary indulgences. Those are details that, when given from memory, cannot be given as correctly as when detailed by the regulations. I have the regulation here, and it is, in fact, the key-stone of that branch of our system. It is a very remarkable letter issued by Sir Herbert Taylor, my predecessor, in the year 1830, by Lord Hill's orders. I think there are animadversions in this letter upon the manner in which those punishments were formerly allotted, and which commanding officers assumed to themselves the power of inflicting, previous to the issue of that letter. That letter provides that "Commanding officers must recollect that they are not authorized to place a soldier in close confinement, unless it be preparatory to a court martial, for a longer period than 48 hours, of their own authority. A soldier ordered to remain in a defaulter's room will take his duty, drills, &c., and the period of such order must not exceed seven days. Crimes deserving of longer punishment of this nature must be referred to a court martial. This of course does not apply to confinement to barracks, which may be extended at the discretion of the commanding officer to periods not exceeding two months, the necessary measures being of course taken to prevent the soldier so restricted from passing the sentries, or having access to the canteen, and wine and spirits being, at the discretion of the commanding officer, stopped on the stations where such are issued. The commanding officer will equally exercise his discretion as to the nature of the confinement to barracks, according to the degree of the offence; namely, whether the individual shall or shall not be required to fall in with the inlying picket, attend all drills, and all parades, and be called upon for all duties of fatigue."—This is a punishment of considerable severity, when considered with reference to what may occur; for a commanding officer has it in his power not only to confine him to his barracks, but to make him attend all drills and so on. "Solitary confinement, or confinement to the black hole, which in no case can exceed 48 hours, unless awarded by sentence of court martial, should as much as possible be reserved for cases of drunkenness, riot, violence, or insolence to superiors, and, in aggravated cases, should precede the further punishment of confinement to barracks, extra drills, and duties of fatigue or drudgery."—It may perhaps be important that I should mention to the Commissioners that, after that letter, any officer that chalks out to himself any new sort of punishment, not alluded to there, commits an irregularity, which, when discovered, would of course be censured; therefore I do not think that it rests in the breast of the commanding officer to inflict any punishment now without going to a great risk, except those stated in that letter.

36. Do you remember a punishment of the cavalry called "picketting?"—Perfectly.

37. That is completely abolished?—It is, as is the "logging," in the cavalry and the infantry.

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38. Have you any means of acquainting the Commissioners with the number of soldiers confined in the gaols in England in the year 1834 for military offences?—There is a return at this very moment in the progress of preparation.

39. If corporal punishment has been superseded in so many instances, what has been the effect of that alteration upon the discipline of the Army?—The effect of greatly increasing the number of crimes against discipline, such as insolence and violence to superiors. The first change in the Articles of War took place in 1829. The restrictions of corporal punishment, in the case of the award of a regimental court martial to 200 lashes, took place in 1832. The principal change made in the articles of war in 1829 was made with the view of bringing punishments more under the check and review of superior authority, by transferring to district or garrison courts martial the duty of trying the principal offences, which theretofore had been tried by regimental courts martial.

40. At all times when a corporal punishment was inflicted it was necessary that a medical man should be present, and he had the discretion to stop it at any moment?—Yes: it was at the peril of the commanding officer to order the infliction of another lash after the medical officer interfered.

41. What is the specific change to which you allude as having impaired the discipline of the Army by diminishing the authority of the commanding officer?—The principal change of that nature that, in my opinion, has impaired the authority of the commanding officer, is that whereby it is necessary to go to a superior tribunal with any case partaking of insubordination or violence to a superior, which cases used, unless it was necessary to go to a general court martial with them, to be disposed of by commanding officers of regiments promptly by regimental courts martial. I must, in explanation, mention that very lately, in consequence of discussions that took place upon this very point, it has been inserted in the articles of war, that a regimental court martial can take cognizance of insubordination on the line of march, and punish it immediately; and that has been attended with a good effect. Last year, in a regiment on the march from Chatham, a man refused to obey orders just beyond Dartford. The commanding officer immediately ordered him to be tied up, and that was the only instance in which there was not a surgeon on the spot. The offender received fifty lashes. The case was explained to Parliament, and every body was satisfied with the explanation.

42. In your opinion, the prompt application of punishment in cases of insubordination is one great means of supporting the discipline of the Army?—I should certainly say so.

43. The delay arising from the necessity of referring them to a district court martial, has by no means had a good effect on the Army?—No; it in some degree loses its effect in point of example.

44. From the time that must necessarily elapse between the sentence and the punishment?—It is not to be inferred that I am for abolishing district or garrison courts martial. The only improvement I should suggest is to restore to the commanding officer a portion of the power which has been taken from him. It would, in my opinion, be wrong to entrust commanding officers with a greater degree of power than is necessary to maintain discipline. I am certainly of opinion that we should send the graver offences before the higher tribunals, where a regimental court martial could not administer adequate punishment, such as the case of a soldier drawing his bayonet upon his superior, or very insubordinate conduct of that nature. In cases in which the offence against discipline did not merit death or transportation, I would allow the commanding officer of the regiment to exercise a sound discretion in bringing it to trial before a regimental court martial, he being held responsible to his superiors for proving, by immediate and special report of the case, that he had adopted that course upon justifiable grounds.

45. Is there any general order which expresses to commanding officers of regiments that the opinion of their capability for their command, and for maintaining the discipline of their regiments, would be in a great degree founded upon the more or less of absence of corporal punishments in their regiments?—I think there was, and I will endeavour to lay it before the Commissioners.

46. Upon the whole, has it been found that the offences of insubordination and insolence to officers, and striking non-commissioned officers, and so forth, have increased in the Army since the alterations with respect to punishment of those offences?—I think they have; but I am inclined to impute that increase to other causes likewise, particularly to the facility with which a soldier, in these times, finds access to any person who he may think will undertake to bring his case before the public.

47. Are the instances in which that cause appears to you to have operated many, in proportion to the actual number of the offences that have been submitted to some sort of punishment?—A great many appeals of the description to which I allude are made to individuals, and sent to the commander-in-chief for inquiry; and I think I may say that I cannot charge my memory with any one case of such appeal, in which the result has not turned out decidedly to the disadvantage of the appellant. They all come through me sooner or later before they come to a decision.

48. With respect to the solitary confinement of soldiers, are there conveniences in all the military stations in Great Britain and Ireland for that purpose?—No; in some there are, in others there are not; and in none that I know of at present are those arrangements in their present shape calculated to give that effect to imprisonment with hard labour, and solitary confinement, which alone would render them effectual punishments.

49. Would the constructing of such places of confinement be attended with considerable expense?—I conceive with considerable expense.

50. Supposing a barrack to be calculated to hold five hundred men, how many such places of confinement would you think adequate for the purpose?—I should think there should be

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accommodation for at least from ten to twelve prisoners, and perhaps half of them for solitary confinement.

51. What is the hard labour?—The hard labour cannot be executed in the regimental prisons. They must be sent to the civil prisons for that purpose. No arrangement has yet been made in the respective barracks for giving effect to imprisonment with hard labour, nor any adequate arrangement for giving effect to solitary confinement.

52. What has been the effect of sending soldiers to the civil prisons upon individuals themselves?—I cannot conceive that the effect of mixing a soldier with a felon, which must necessarily be the case from the moment he is committed to a civil prison, can be otherwise than most prejudicial to, if not utterly destructive of, his character as a soldier.

53. Have you found that practically to be the case?—The answers to the confidential letter the adjutant-general has sent out, inquiring of the commanding officers the effect of imprisonment in civil prisons, and other matters, are much more authentic and much more entitled to attention than anything that I can say; but I might appeal to any officer, whether a soldier, who has been, for instance, twelve months in Brixton gaol among felons, would not be a much worse soldier than he was previously.

54. Is not the fact of his being absent from his duty for so long a period, without taking into consideration the effect upon his morals, subject to great objection?—Undoubtedly.

55. A year of the best time of a soldier is lost by that imprisonment?—Yes: and his habits as a soldier become of course impaired. The only regular military prison we have now for committing military prisoners to, except a few cells attached to some barracks, is the provost prison in Dublin.

56. Is there any feeling upon the part of the other soldiers of a regiment, of the hardships upon them in consequence of the confinement of an offender in their regiment in the civil prisons for a length of time?—I cannot say that I ever heard that brought forward as a source of grievance.

57. With respect to the insubordination in the Army, has the great facility of obtaining ardent spirits in these days been one cause of the increase of that insubordination?—The facility may be increased by the cheapness of ardent spirits in these times, but it is, on the other hand, diminished by the canteen system, which is conducted under the best regulations that could be devised by the commander-in-chief, and the master-general of the ordnance. Without barrack canteens, it would be impossible to prevent a soldier obtaining spirits anywhere within his reach in the neighbourhood. By having the canteen at hand to resort to, even while he is in the very act of drinking, he is in some measure in trammels of military discipline. He is, whilst in the canteen, liable to be visited by the captain of his company, the adjutant of the regiment, and the serjeant-major.

58. Do you apprehend that the offence of drunkenness has increased in the army of late years?—I think that the offence of drunkenness has increased at certain foreign stations; and my impression is, that it has increased from not being so frequently the subject of trial by regimental court martial as it used to be; almost all cases of drunkenness now, when connected with duty of any sort, being tried by district or garrison courts martial. The promptitude with which drunkenness on duty was formerly punished by a regimental court martial gave, in my opinion, greater security for the prevention of that crime than the system under which it is at present tried affords. The trial of the crime of habitual drunkenness by regimental court martial would also I think be an improvement. I have in my hand a return showing the number of soldiers in the Army, including those on home and foreign service, who were tried upon charges of being drunk on duty and habitual drunkenness during the period of twelve months antecedent to the autumnal inspections of the several regiments and depôts in 1833. "Tried for having been drunk on duty, 875." "For habitual drunkenness, 1847." The crime of drunkenness, so as it be unaccompanied by violence to the superior, or committed off duty, is not frequently tried by court martial.

59. Are there not instructions from the commander-in-chief with respect to the treatment, by non-commissioned officers, of soldiers who may be overcome with liquor, and yet who do not commit military offences?—Yes, there is one; and perhaps the only important feature in that instruction is that of ordering superiors to abstain from coming into collision with them, or laying violent hands upon them while in that state.

60. Is there any other punishment than those which have been substituted, that strikes you as being capable of being applied to the soldiers of the Army for those offences?—I really am disposed to say that after having considered this matter constantly and seriously I am unable to recommend any other punishments. There is no doubt that giving perfect effect to the punishment of solitary confinement would render it a very severe one. It is a punishment very well calculated to deter a man from the commission of an offence, but as to offences involving insubordination, accompanied by violence towards superiors, and certain disgraceful and outrageous offences, I have never been able to bring my mind to think that any punishment, short of corporal punishment, administered under wholesome and humane regulations, can be effectual.

61. If solitary imprisonment be the principal substitute for corporal punishment, is it possible that the substitution can be made where the Army are in detached positions or actually upon service?—Utterly impossible.

62. Therefore, if corporal punishments were to be done away with entirely, some other punishment than solitary confinement must be found out applicable to those cases?—I think so.

63. The description of offences that are committed upon actual service, and in distant quarters, are generally such as require immediate example?—Certainly.

64. Therefore any punishment to be effectual for their prevention, under those circumstances, must have that character?—I conceive so.

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65. With regard to recruiting the Army, what pains are taken, or are any pains taken, to ascertain the previous character of a recruit?—No pains can be taken. The number of recruits required to keep up the establishment of the Army is so great, and the means allowed for raising that number so limited, that it would be utterly impossible to make previous inquiries into the habits, conduct, or general character of every recruit.

66. Then the result of the present mode of recruiting the Army in this country must necessarily be to bring into its ranks a very uninformed and low class of people?—Undoubtedly that is the effect of it.

67. In that respect the British Army differs very materially from foreign armies?—I understand so.

68. Are you at all acquainted with the manner in which foreign armies are recruited; for instance, the French?—By conscription.

69. Which conscription applies to all persons, of whatever rank?—I believe so. I suppose the superior ranks of society find substitutes.

70. Has that means of filling the ranks of the Army the effect of bringing into the service persons in a more respectable station of life?—I suppose so.

71. If any regulations with respect to the recruiting of the British Army which should have the effect of bringing into it a superior class could be devised, are you of opinion that that would go a considerable way to obviate the necessity of corporal punishment?—I own I am not impressed with a notion that it would have that effect in a great degree. My impression is that the soldier's life is wholly unsuited to what are termed the better classes of society in this country. Moreover, the result of my observation is, and I have had the superintendence of the recruiting of the Army since the year 1817, that few of the better classes of young men enlist in this country, except from some quarrels with relations; that few enlist for the mere sake of being soldiers, and considering that a better profession than any other.

72. The enlisting is voluntary?—Certainly.

73. If means could be devised to render the service a more popular one, are you of opinion that that would induce a superior description of persons to enter the Army?—It might; but, considering the nature of a soldier's life, I very much doubt whether he who can bring his mind to adopt that life by choice, would ever be very much actuated by any very distant prospect of advantage.

74. What are the peculiar circumstances in the life and services of a British soldier which make you think it so ineligible a profession for a person of a better rank?—The most arduous life that can be well imagined is the life of a British soldier on actual service: I mean the variety of service to which the British soldier is subjected, and the severity of some of his services, having in view particularly colonial service.

75. The British Army is much more called to colonial service than any other Army in Europe?—Yes.

76. Are you aware that other Powers of Europe have colonial corps that serve in their colonies?—They have colonial troops; but I conceive that France must have troops of the line on service in her colonies also.

77. Have you any means of knowing the description of persons that served in the militia regiments towards the latter end of the last war?—Yes. I have observed them when volunteering from the militia to the line.

78. Were they persons of a better class of society than the common run of British soldiery?—I never heard it stated that they were.

79. Supposing the British Army to be recruited in the same way that the militia regiments are raised, what effect do you think such a scheme would have upon the composition of the Army?—It might undoubtedly be the means of bringing into the ranks of the Army a greater proportion of what is called a better condition of men than it is the general opinion the British Army is at present composed of; but, of course, the operation of ballot is a thing so completely foreign to all my habits, I cannot practically say that it would have that effect. What was called the Army of Reserve was raised by ballot, and its general composition was certainly not superior.

80. Have you ever turned your mind to the possibility of establishing an order of merit, descending through all ranks of the Army, or rewards of some sort for good behaviour, as another means of promoting discipline?—I have never thought of the introduction of such a system into the Army generally; but I have understood that such a system was contemplated by Mr. Pitt, and that he had consulted Sir John Moore upon it, and Sir David Dundas; and that after mature consideration the scheme was abandoned.

81. Are there any papers in the commander-in-chief's office, or elsewhere, that can throw any light upon that scheme?—I should think it is likely. I will ascertain that point.

82. Is there not a book kept in the regiments, which is called the defaulters' book?—There is.

83. What is the scheme of that defaulters' book?—The scheme is that all offenders are registered, so that a man by future good conduct may recover the character that he has lost. Character is recorded there according to its merits.

84. There is also a good conduct book, is there not?—There is.

85. Supposing that a soldier's name appears in the good conduct book for a certain number of years, what advantages accrue to the soldier?—A royal warrant provides for pensioning the soldier after certain service. Good conduct renders him eligible to receive both medal and gratuity on being discharged, in addition to pension.

86. Of that gratuity a person is deprived, if his name appears in the defaulters' book?—He must be several years without appearing in the defaulters' book before he can be eligible to claim the medal.

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87. In no case is a commission held out to private soldiers or non-commissioned officers as a reward for good conduct in the Army?—Not by any declared regulation, but there are abundant instances in the Army of men having risen to high rank from having commenced as privates.

88. Is not every soldier supplied with what is called an account book?—Yes.

89. In that account book are the regulations entered with respect to the advantages which may accrue to him in consequence of good behaviour during the time of his service?—They are.

90. Among other matters mentioned under the head of rewards for good conduct, is there not a gratuity added, in certain cases, to the pension which may be granted to the soldier on discharge?—There is.

91. He must have served a certain number of years?—Yes: and there is only a certain proportion of that class can be discharged annually from a regiment with those advantages.

92. Is a soldier, on being discharged, furnished with any certificate of his conduct during his service?—Every good soldier is, upon being discharged, furnished with a certificate of character; and the character of every soldier, on discharge, whether good or bad, is registered in the War Office, in what are called the discharge documents.

93. Is that certificate given with that degree of care and attention to the character which he has borne during his service, as to be of real value as a testimony of character to him in after life?—One of the great improvements introduced by Sir Henry Hardinge into our service, is that of having a regimental board composed of officers of the regiment to which the man belongs, to inquire into his claims, and to make up his discharge before it is confirmed. The character inserted in the parchment certificate must in general be in the hand-writing of the commanding officer.

94. Are you at all acquainted with the management of the Prussian regiments?—Not intimately.

95. Are you aware that, in the Prussian service, the men are divided into classes, some of which are subject to corporal punishment, and others are not?—I understand it to be so.

96. Do you think it possible to introduce a system of that kind into the British Army, so that a person who has served a certain time without receiving any punishment, or having committed offences of certain descriptions, should be placed in a class not subject to corporal punishment?—I know that it is the opinion of at least one or two individuals, to whose judgment I have accustomed myself to look up, that such a system might be introduced into our service with advantage; but, for my own part, I think it is highly probable that it might not be found to answer, as it would keep up a constant distinction between the different classes, and excite invidiousness, perhaps discontent. It would tend very materially, in my opinion, to render a soldier, who otherwise might be inclined to retrieve his character, regardless of that character, by being held up constantly as an object of exposure, in contradistinction to his comrades in the same barrack. I am inclined to think that the advantages promised by classification such as this question contemplates, will be found, when closely considered, to be of little ultimate value, and that the whole system of classification will be found to be grounded more upon imaginary than upon real benefits.

97. Is the effect of corporal punishment such as to very much deteriorate the character of the British soldier, when once he has suffered it?—I consider it presumptuous in me to say that corporal punishment does not deteriorate the moral character of the soldier, aware as I am that an opinion is very prevalent that it does deteriorate his character; nevertheless, I have accustomed myself to believe that much more is made of this consideration than it deserves; and I believe I can appeal to the most influential officers in my profession as to the correctness of this fact; to wit, that they have not, in the course of their experience as regimental officers, known any individuals in their ranks who have evinced a warmer devotion towards the service, have shown more attachment to their officers, and more eager desire to follow them in the hour of danger, than men who have been corporally punished, and repeatedly punished.

98. Are there many instances of men who have been corporally punished being afterwards promoted to the situation of non-commissioned officers?—Very many, I believe.

99. It is by no means the case that the infliction of corporal punishment does, in an overwhelming proportion of cases, unfit a soldier hereafter for promotion, or incapitate him for his duties as a soldier generally?—From my knowledge of the disposition of my brother officers, I conceive that no circumstance would gratify them in general more than to have an opportunity of promoting a soldier who, after being corporally punished, had evidently changed his habits, and made up his mind to follow a course of respectability for the future. With reference to this part of the subject, I hold in my hand a letter from Lieutenant-Colonel Wilkie, addressed to Mr. Ellice when secretary at war, in which the following circumstance is stated:—
"It has been said that this practice never reclaims any one. I know hundreds of instances to "the contrary; and, if you will allow me, I will relate a little history which took place at "Winchester in the year 1812. We were standing talking together on the parade on this "very subject, connected with a motion which had been brought forward the night before by "Sir Francis Burdett, and endeavouring to conjecture what would be substituted as a punish-"ment. After we had all given our opinions, an officer who had listened attentively to all "that was said at last made use of these expressions:—'Sir Francis may say what he pleases "'about corporal punishment, but I know I was never worth a d—n until I got 300 lashes.' "That officer was Captain ———, who had risen by his own merit from the ranks. I men-"tion his name with less scruple as he is dead; but this is not a singular case."

100. You think cases of that kind not unfrequent in the Army?—By no means, as to non-commissioned officers.

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101. Have you the means of knowing whether a soldier corporally punished is considered as degraded in the eyes of his fellow soldiers, more than if he had been punished in any other way?—I have been connected with the department of discipline now for upwards of 30 years, and I never heard one instance quoted of a man being held up as an irretrievable object of degradation on account of his being corporally punished in the Army.

102. Is it not considered a matter of reproach between one soldier and another?—That will depend upon the nature of the crime. Any man committing a disgraceful offence will be held up to scorn; but a man flogged for insubordination is considered no more an object of disgrace than an officer who is cashiered for insubordination to his superior officer. He is still a gentleman.

103. There is no peculiar disgrace attached, in the eyes of the other soldiers, to the nature of the punishment?—I never heard that there was to the nature of the punishment.

104. You think that you have means of forming an opinion upon that subject?—I conceive that, if that feeling existed in the Army, it is impossible I should not have come into contact with it.

105. Is not that opinion more founded upon your former experience of the Army than now when punishment is more restricted to the most abandoned?—Yes. There is no such thing as a corporal punishment except for an act of violence towards his superior officer, or for a disgraceful crime for which, perhaps, he would be flogged by any bench of magistrates.

106. A man is never flogged now for drunkenness?—No, not for mere drunkenness, but for drunkenness on duty.

107. You have stated that you conceive corporal punishments had decreased in the Army of late years; do you recollect whether, on the peace of 1815, the Duke of York did not take measures to cause to be discharged from the Army all objectionable men, whether in point of character, or stature, or certain defects?—I have no immediate recollection of the circumstance, not being at the time in office; but I have no doubt it was so, for opportunities are taken now, when the Army undergoes a reduction, of getting rid of men of that description.

108. Are there any restrictions with respect to the marrying of soldiers?—Yes; the wife of a soldier, who marries without the previous consent of his commanding officer, may be denied the advantage of living in barracks, as also that of accompanying her husband when he embarks for foreign service.

109. Is the number of wives admitted into the barracks, or to embark for foreign service, under any restriction?—Yes; six per hundred as to the embarkation, and six per company as to barracks.

110. Does that number include the non-commissioned officers' wives?—It does.

111. Have they a preference?—They have to a certain extent. Those that are entitled to embarkation under this regulation are rationed by the public when on board ship.

112. Do the barrack regulations admit of any provision for married women at all?—In allotting the barrack accommodation, I conclude that an allowance is made for the admission of the regular proportion of women.

113. Is the 83d article of war acted on, that the names of soldiers who have received testimonials of meritorious conduct should be reported to the parishes from which they come?—I presume so.

The witness withdrew.—Adjourned to to-morrow at one o'clock.

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*Friday, 13th March*, 1835.

The Right Hon. Lord WHARNCLIFFE in the Chair.

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Lieut.-General Sir *Willoughby Gordon*, Bart. G. C. B., was examined.

*Sir Willoughby Gordon.*

114. You are quartermaster-general of the Army?—I am.

115. How long have you filled that situation?—Since the year 1811.

116. You are enabled from documents in your department to state to the Commissioners the manner in which the Army is distributed in quarters?—I am; and the best mode for me to proceed in giving this information will be, perhaps, in the manner following: There are three regiments of household cavalry, whose ordinary duties are principally confined to their attendance upon the King's person, and who consequently take no colonial duty whatever. There are twenty-three regiments of cavalry, four of which are employed in India, and as those regiments in India cannot be relieved under a period of from fifteen to twenty years, more or less, it is evident that no prominent share of colonial service falls upon the cavalry. The division of guards consists of seven battalions, and, as their ordinary duties are also confined to the King's person and the palaces, they have never been called upon to perform any colonial service whatever. There are one hundred and three regiments of infantry of the line, of which seventy-nine are abroad, and twenty-six at home; and of those seventy-nine abroad, twenty are employed in India, and those employed in India have not been relieved under a period of from eighteen to twenty years; those employed in our other possessions ought to be relieved once in every ten years, but it has not been found practicable to carry that intention completely into effect, and, at this moment of speaking, there are regiments serving abroad, whose service is from ten to eleven years, and the regiments who must relieve those, or a part of those, in the course of this year, have not been at home four years, after a service abroad, all of them of ten, and many of them above twenty years; and of those regiments that are first in turn to go, some of them, who have not been four years at home, have been employed in India above twenty years; and, go where they may, they must serve ten years abroad. Consequently there will be a period of thirty-four years of the service of those regiments,

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only four of which have been at home, and, of those four years at home, it happens in some cases that not one regiment sets its foot upon the English soil at all. For example, there is a regiment just disembarked in Ireland from the Mediterranean, which in all probability will be called upon for foreign service again, without any chance of its being in England at all.

117. In fact, then, if a person enlists in the British army, he must look forward to three-fourths of his time, in all probability, being spent in foreign climates?—Yes, at the least.

118. Supposing that by any means provision could be made, such as colonial regiments for garrisons in our colonies, do you conceive that would make any difference in the class of men that would be brought into the Army?—The question of colonial regiments has been considered within my experience at least a dozen times, and discussed in full, and the result of that discussion generally has been to prove that we should have the very worst description of troops, instead of having the very best as we have now. Their service would be confined to one spot, instead of throughout the whole empire, as it is at present; nor should we save anything, in my view, upon the score of reliefs; for, although we should not have to bring home the whole regiment, we should have to send out recruits just as frequently, or more so, than now. And everybody who has seen the nature of colonial service must know this, that it is exceedingly difficult, if not impossible, under the very best discipline, to prevent the soldiers acquiring directly, or through their wives, a certain degree of locality, from the selling of things, in the keeping of shops, and in a variety of ways, that renders them less fit for active military service after a duration of some years. I speak now from the experience of two regiments which I have commanded in the colonies, and knowing those difficulties to exist, from my early regimental service, I used every means in my power to stop it, but with not so much effect as I could wish.

119. In what you have now said, you allude to regiments that might be raised in this country, with a view to foreign service?—Entirely.

120. With respect to regiments raised in the colonies, the raising black corps has been already tried in the West Indies, has it not?—It has.

121. With what success?—The black corps has never been tried, except in the purchase of slaves, and the recruiting depôt on the West Coast of Africa; and certainly, in my opinion, no European troops can contend with black troops, in a tropical country, successfully for any length of time; but then there is this question, we can only have black corps in our black colonies. It would be not only unsafe, but I do not think any colonial legislature would sanction such a thing. It has fallen within my own experience to have the care of a black regiment in Jamaica, and I was required to put that regiment so that it would not have any communication with the rest of the colony, and it was actually shut up in a fort during the greatest part of the time I had charge of it, and a detachment of my regiment was put with it. But I found my opinion upon the efficiency of the black troops as compared with white in those countries very much upon the difficulties our troops had in contending with the blacks in various stations, in St. Vincent's, for example, and in other places; and also very much upon the success which attended the insurrection in St. Domingo against as efficient an army as the world ever saw.

122. The black regiments to which you referred in your answer were composed of slaves purchased by the Government; do you think the late alteration in respect of slavery in those islands would make any difference, and that it would be possible to raise regiments of free negroes that would answer the purpose?—I had that question before me two or three years ago, before the negroes were emancipated, whether it would be possible to raise regiments of free blacks; and, in order to inform myself thoroughly upon that point, I wrote directly to every officer commanding in every island in the West Indies, and their answers were, without exception, that no such description of men could be found to enlist in a black regiment. That was before they were all free. What may be the case now is so much a matter of speculation, I should not wish to hazard an opinion upon it.

123. With respect to the North American colonies, would it be possible to raise regiments within those colonies for their immediate service?—It is long since I served in those colonies; and, as there is upon the board a member capable of giving evidence upon that point, I should rather decline answering the question. But when I was in North America it was in the capacity of commanding a regiment in one part of it, and afterwards military secretary to the commander-in-chief; there were then three or four regiments of fencibles raised there from the natives, and, in my opinion, they were not efficient for any other service.

124. Are you at all aware how other European countries garrison their colonies; for instance, the French in the West Indies?—When other European countries are spoken of, in fact it is principally France. When I was in France I had opportunities afforded to me, for reasons which it is unnecessary to go into, by the King himself, to make every inquiry into the state of his armies; and with so much kindness did he do this, that he desired an officer to attend upon me every morning to take my orders; and I had also an order from the minister, Marshal Soult, to go wherever I pleased: and I thus made myself accurately acquainted with the state of the French Army in the year 1833. I ascertained that no parts of the land force, that was their expression, ever served in the colonies, unless, indeed, they said, you call Algiers a colony. Martinique, Guadaloupe, and the other few possessions they have, are garrisoned by a description of force under the Minister of Marine, forming no part of the land army.

125. Recruited in France?—Yes; volunteers for that service.

126. Are those corps permanently stationed in those islands, or removed from time to time?—They are permanently stationed there. They may, for anything I can say to the contrary, be sent from one island to the other, but they are not taken away from that station. The British army, from its comparatively small establishment, and the great variety of possessions

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it has to garrison, if not composed of the very best troops, and applicable at all times for all services, would be one of the most inefficient armies in the world, instead of being, as it now is, the best; and we should have no army at all. If we wanted suddenly to reinforce Canada, from whence could we take them? And, supposing Canada to be garrisoned only by colonial troops, if we wanted to reinforce the West Indies, from whence could we take them? for it is only by keeping our comparatively small army in a state of efficiency, such as I believe does not exist, taking it altogether, in any other army in the world, that it can be made to do the duty it now performs, more severe than has ever fallen on any army in Europe, or any army the world ever saw.

127. Supposing there were certain colonial corps established for the purpose of the usual garrisons of the West Indies, for instance, would it not be possible equally to apply a part of the regular regiments to reinforce those garrisons if it were felt necessary?—Yes, if you have that regular force disposable.

128. You think the number of years a British soldier at present is obliged to pass out of his country would necessarily be diminished, supposing the Army to be kept at its present strength?—Not quite that, because the colonial corps must be composed of British. I can give an instance, in the case of the 60th regiment; it was an experiment made at the close of the American war; it consisted of from time to time, two, three, four, five, six, seven battalions. They were raised altogether for foreign service. It was called the Royal American regiment, and, until within these few years, they continued to be so called, and it at last got the name of the Condemned Regiment. All military criminals were put into it, and it became on that account a regiment that officers did not like to go into; and that would apply in, I think, a greater or less degree, to every description of colonial force, in the way in which the question is put to me.

129. You were understood to say that it would be necessary for the Army always to be kept in that state of efficiency to enable you to reinforce any place to which it might be necessary to send any additional troops.—Supposing, for instance, that the usual colonial duty, garrison, and so forth, in the island of Jamaica could be performed by means of black regiments, would it not be possible, assuming it to be necessary, to send a reinforcement if the rest of the Army were kept in efficiency?—Certainly; but I understand the nature of the examination to be this;—if you have colonial corps, by just so much would you diminish the force of the regular Army; then it would depend upon the strength of the regular Army kept up at home how far reinforcements could be sent abroad. By having regular troops instead of colonial troops, you have a great facility of reinforcing one colony from another colony, and, therefore, saving both time and expense instead of sending a reinforcement to a distant colony directly from home.

130. Could you not equally transfer a supposed colonial corps from one colony to another? —That is another species of enlistment. I understood the question to refer to a corps raised for Jamaica; for instance, we could not send a black regiment to Canada. When the Caribs and Maroons were driven out of St. Vincent's and Jamaica, they were sent to the island of Rattan in the bay of Honduras. They were found very inconveniently situated there, and were sent to Nova Scotia, where I saw them, and never beheld men in a state of greater misery; and, when that was represented at home, they were sent to Sierra Leone, where they have been ever since.

131. With respect to that part of the British Army which is quartered in India, what proportion does it bear to the European troops belonging to the East India Company?—The charter of the East India Company compels them to maintain a force not exceeding 20,000 King's troops; the 20,000 are made up by twenty regiments of infantry, and four regiments of cavalry. I am not authority enough to state what proportion that bears to the East India Company's Army, because I do not of my own knowledge officially know what the force of that Army is, but I believe it to be an Army of the largest size.

132. Including the Sepoys?—Yes; the last returns of regular and irregular force amounted to a very considerable number. But I speak with great diffidence upon the force in India, which, however, can be easily ascertained from the proper authority.

133. The East India Company have some British regiments enlisted expressly for their service?—Yes.

134. As the East India Company are in the habit of raising recruits from our population here for their Army, would it not be possible to increase that Army, and thereby diminish the number of the regular Army that are sent out to India?—I understand the question to be this,—whether, instead of having 20,000 European King's troops, we might have a greater proportion of European troops in the Company's service? To that, I can suppose there could be no difficulty in enlisting for one service or another; the same number would be got; out, with great deference, it may be a question whether the European troops in the East India Company's service are to be at all compared to the troops in the King's service.

135. Those corps may be considered as the best specimen of troops raised or colonial purposes?—I should think so.

136. You stated that you have had an opportunity, when in France, of making inquiries with respect to the French Army?—Yes, in 1833.

137. Amongst other inquiries, did you inquire into the mode of enlistment in the French Armies?—Yes, I did.

138. Can you explain to the Commissioners that system?—The mode of enlistment in the French Army is by conscription. Every person, no matter who he may be, above a certain age, is by law a soldier, and must serve a certain period, three, four, five, six, or seven years; and, if he continues in that service voluntarily, extending his service, he gets a higher pay for so doing.

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139. How is he called out? by ballot?—Yes; very much in the same manner as our militia.

140. Being allowed to find a substitute?—Yes, if he can.

141. What class of persons does that system bring into the ranks of the French Army?—It brings every description of persons into its ranks; and, from their conscription, they select men of a certain size for their cavalry, which is a very large body, and for their artillery, so that the main body of the French army is in fact a body of men of low stature; but that may be perhaps accounted for, when I state that the cavalry, amounting, at the time I was there, to nearly 50,000 men, and the artillery to above 30,000 men, take a very large proportion of the finest men. In the regiments of artillery I saw, and that I personally inspected, there were few men in it of less height than myself.

142. Are they selected for particular services, in consequence of any previous education or situation of life?—No, not at all.

143. When they are called out by this conscription they are to serve for a term of years?—Yes.

144. In all cases, is the term of years the same, or does it depend upon the age at which they are called out?—It is always the same. There is a very general observation made, that the French army are all boys. They are certainly very young men; but that is accounted for in this way, that, having served a certain time, 80,000 go home, and 80,000 of the earliest youth of France come again into their ranks; and, as it appeared to me, and I have so stated it to be, it is one of the most efficient armies I ever saw.

145. Is there an annual change of 80,000 men in the whole?—Yes, at the time of which I speak.

146. What is the amount of the whole?—The amount, when I was there, was 400,000 men, I should think. Now it is 350,000 men. You have in their government returns the amount of their conscription, 80,000 men to be called forth in such a year; that is, not to increase the amount of the Army, but to relieve those whose term of service has expired.

147. Those whose term of service has expired are allowed to re-enlist?—They are.

148. Do they do so?—They do to a certain extent; I do not know to what extent.

149. If they re-enlist, what advantages are given to them over the original conscript?—So much more daily pay. I have already stated these matters in great detail before a Committee of the House of Commons on army appointments, in the year 1833, shortly after my return from France.

150. Amongst other subjects of inquiry in the French Army, did you inquire with respect to their punishments?—I certainly did very minutely. Perhaps I had better state to the Commissioners that, from the various ramifications into which my duties branch both in gross and detail, I thought it a part of my duty to make myself acquainted with all the regulations by which the armies of the great powers in Europe are governed; and to this effect I prepared certain questions, and requested the Secretary of State of the Foreign Department would have the goodness to transmit those questions to the proper authorities of each government. He did so, and in due time answers were transmitted to me in very great detail, touching the whole matters of the government of all the armies, and signed by the principal authority of their respective courts. I merely take the liberty to state this with a view to give such weight as the Commissioners may think fit to the information I am about to give upon these points. I found, with respect to the French Army, there was no corporal punishment; but then I was informed that there was no corporal punishment in the French Army because there was no corporal punishment inflicted on any individual in France. They put into my hand a paper showing me the different punishments to which the French Army were liable, and which paper I will, with the permission of the Commissioners, place upon their table. They will find there are about forty punishments of death, a great many with irons for ten years, a great many with irons for a less number, degrading punishments, with *boulet*, and punishments at the galleys, or in the public works. [*The witness delivered in the same.*]

## PUNISHMENTS IN THE FRENCH ARMY.

*Nomenclature Alphabétique des Délits Militaires et Peines y attachées.*

| DELITS. | PEINES. |
|---|---|
| Abandon de son poste par lâcheté | *Mort.* |
| Abandon de son poste pour se livrer au pillage | *Fers, 5 ans.* |
| Abandon de voitures | *Mort.* |
| Absence générale | *Prison, 1 mois.* |
| Absence à la générale avec recidive | *Prison, 6 mois.* |
| Absence à la générale pour la troisième fois | *Fers, 2 ans.* |
| Absence avec recidive lorsqu'on marche à l'ennemi | *Fers, 2 ans.* |
| Abus de pouvoir de la force armée | *Dégradation Civique.* |
| Achat d'effets d'armement, d'habilement, d'équipement; ou de chevaux | *Travaux Publics, 2 ans, à 5 ans.* |
| Achat d'effets de petit équipement | *Prison, 2 mois à 1 an.* |
| Amputation de traits de chevaux | *Mort.* |
| Armes portées contre la France | *Mort.* |
| Assassinat | *Mort.* |
| Assassinat pour fuir | *Mort.* |

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|---|---|---|
| Attentat à la liberté, ou à la sûreté | *Prison*, 6 *mois.* | |
| Attentat à la liberté avec vol et voie de fait | *Fers*, 2 *ans.* | |
| Attroupement (chef d') | *Mort.* | |
| Attroupement (auteur d') | *Mort.* | |
| Bons (fabrication de faux) | *Fers*, 5 *ans.* | |
| Changement de consigne proche l'ennemi | *Prison*, 6 *mois.* | |
| Chasse | *Police correctionnelle.* | |
| Clameures séditieuses | *Mort.* | |
| Complicité | *Même peine que le crime.* | |
| Complot de désertion | *Mort.* | |
| Congé falsifié | *Fers*, 5 *ans.* | |
| Congé (usage du) d'autrui | *Fers*, 5 *ans.* | |
| Connivance des préposés à la garde des détenus condamnés | *Fers*, 2 *ans.* | |
| Consigne changée près l'ennemi sans en rendre compte | *Prison*, 6 *mois.* | |
| Consigne fausse compromettant la sûreté | *Mort.* | |
| Consigne forcée à l'armée | *Fers*, 10 *ans.* | |
| Consigne non executée proche l'ennemi | *Fers*, 2 *ans.* | |
| Correspondance avec l'ennemi sans permission | *Mort.* | |
| Costume ou uniforme porté sans titre | *Emprisonnement.* | |
| Dépouillement d'un mort sans ordre | *Fers*, 5 *ans.* | |
| Dépouillement d'un vivant | *Fers*, 10 *ans.* | |
| Dépouillement avec mutilation ou assassinat | *Mort.* | |
| Déserteur absous qui ne représente pas les armes, effets, ou chevaux qu'il avait emportés ou emmenés en désertant | *Trav. Pub. ou Prison suivant le délit dont il s'est rendu coupable* | |
| Désertion à l'intérieur | *Trav. Pub.* 3 *ans.* | |
| Désertion avec récidive | *Boulet*, 10 *ans.* | |
| Désertion de l'armée, ou d'une place de 1re ligne | *Trav. Pub.* 5 *ans.* | |
| Désertion d'un suppléant, ou remplaçant | *Boulet*, 5 *ans.* | |
| Désertion étant de service, ou par-dessus le remplaçant | *Trav. Pub.* 5 *ans.* | |
| Désertion avec effets de ses camarades | *Trav. Forc., ou Réclusion.* | |
| Désertion avec effets de l'etat, ou des corps | *Trav. Pub.* 5 *ans.* | |
| Désertion à l'intérieur, non individuelle | *Trav. Pub.* 5 *ans.* | |
| Désertion a l'ennemi | *Mort.* | |
| Désertion a l'étranger | *Boulet*, 10 *ans.* | |
| Désertion à l'étranger avec récidive | *Mort.* | |
| Désertion après amnistie | *Boulet*, 10 *ans.* | |
| Désertion après grace | *Mort.* | |
| Désertion avec armes à feu, ou avec son cheval | *Maxim. de la peine.* | |
| Désertion avec armes blanches | 1 *an d'aggravation.* | |
| Désertion des travaux publics | *Boulet*, 10 *ans.* | |
| Désertion du chef de complot | *Mort.* | |
| Désertion en faction | *Mort.* | |
| Désobéissance combinée | *Mort.* | |
| Désobéissance formelle à son supérieur | *Prison*, 1 *an.* | |
| Désobéissance d'une troupe (chefs de) | *Fers*, 10 *ans.* | |
| Désobéissance en face de l'ennemi | *Mort.* | |
| Détention arbitraire | *Degrad. Civique.* | |
| Détournement des effets d'armement, d'équipement ou d'habillement confiés pour le service | *Prison*, 6 *mois à* 2 *ans.* | |
| Dissipation idem idem | *Idem.* | |
| Double paye | *Destit. et Amende.* | |
| Embauchage | *Mort.* | |
| Empoisonnement | *Mort.* | |
| Enclouage de canon sans ordre | *Mort.* | |
| Enlèvement d'un détenu | *Détention.* | |
| Enrolement double | *Fers*, 5 *ans.* | |
| Espionnage | *Mort.* | |
| Evasion des prisonniers de guerre (auteur ou complice d') | *Fers*, 6 *ans.* | |
| Fabrication de faux certificats | *Emprisonnement.* | |
| Falsification de congé | *Fers*, 5 *ans.* | |
| Falsification de consigne compromettant le poste | *Mort.* | |
| Falsification de feuille de route, suivant son emploi | *Bannissement, ou Réclusion.* | |
| Fauteur de désertion | *Prison*, 1 *an.* | |
| Faux témoignage causant la mort | *Mort.* | |
| Fraude chez un habitant | *Prison*, 3 *mois.* | |
| Fraude avec menaces | *Prison*, 6 *mois.* | |
| Fraude avec voie de fait | *Fers*, 2 *ans.* | |
| Fuite des prisonniers de guerre | *Fers*, 6 *ans.* | |
| Gage (mises d'effets ou armes en) | *Prison*, 2 *mois à* 1 *an.* | |
| Incendie | *Mort.* | |
| Infidelité dans le poids des rations | *Fers*, 2 *ans.* | |
| Infidelité dans les états de troupe | *Fers*, 3 *ans.* | |
| Inscription sous un faux nom | *Fers*, 5 *ans.* | |
| Insulte à une sentinelle | *Prison*, 2 *ans.* | |
| Insulte à une sentinelle avec voie de fait | *Mort.* | |
| Insulte par le subordonné avec propos au geste | *Fers*, 5 *ans.* | |
| Insulte par le subordonné avec voie de fait | *Mort.* | |
| Intelligence avec l'ennemi | *Mort.* | |

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| DELITS. | PEINES. |
|---|---|
| Lâcheté en faction en présence de l'ennemi | *Mort.* |
| Lâcheté par abandon de ses armes dans une affaire | *Fers, 3 ans.* |
| Machination avec l'ennemi | *Mort.* |
| Manque à sa consigne près l'ennemi | *Fers, 2 ans.* |
| Maraude | *Exposition.* |
| Maraude avec persistance ou récidive | *Fers, 5 ans.* |
| Maraude d'une troupe armée | *Fers, 8 ans.* |
| Menaces du subordonné | *Fers, 5 ans.* |
| Menaces avec voie de fait | *Mort.* |
| Meurtre | *Travaux forcés.* |
| Mutinerie des prisonniers de guerre | *Mort.* |
| Pillage à main armée | *Mort.* |
| Récel d'effets mis en gage | *Prison, 2 mois à 1 an.* |
| Récel d'espion | *Mort.* |
| Réception d'un déserteur au camp après la retraite | *Mort.* |
| Refus de l'emploi de la force | *Emprisonnement.* |
| Refus formel de marcher à l'ennemi | *Mort.* |
| Résistance des prisonniers de guerre | *Mort.* |
| Révélation à l'ennemi du mot d'ordre | *Mort.* |
| Service contre la France | *Mort.* |
| Sommeil d'un factionnaire près l'ennemi | *Fers, 2 ans.* |
| Substitution de nom sur un congé | *Fers, 5 ans.* |
| Trahison | *Mort.* |
| Tambour, qui sans ordre passe les avant postes | *Mort.* |
| Vente d'armes, habillement, ou équipement (1.) | *Trav. Pub. de 2 à 5 ans.* |
| Vente d'effects de petit équipement | *Prison, 2 mois a 1 an.* |
| Viol | *Fers, 8 ans.* |
| Viol d'une fille de moins de 14 ans | *Fers, 12 ans.* |
| Viol suivi de mort | *Mort.* |
| Violation de la consigne générale | *Fers, 10 ans.* |
| Voies de fait envers le subordonné | *Prison, 1 an.* |
| Voies de fait suivies de mort | *Mort.* |
| Voies de fait du subordonné envers le chef | *Mort.* |
| Vol chez son hôte | *Fers, 10 ans.* |
| Vol en augmentant l'effectif de la troupe | *Fers, 3 ans.* |
| Vol des armes et des munitions appartenant à l'état, de l'argent de l'ordinaire, de la solde, des deniers ou effets quelconques appartenant à des militaires ou à l'état commis par des militaires qui en sont comptables | *Travaux Forcés à temps* (2.) |
| Vol *idem* par des militaires qui n'en sont pas comptables | *Réclusion.* (3). |

(1.) Loi du 15 Juillet, 1829, pag. 74, du Journal Militaire, 2e sémestre.
(2.) En cas de circonstances attenuantes la peine peut être reduit soit à la réclusion, soit à un emprisonnement de trois à cinq ans. Loi du 15 Juillet, 1829, pag. 3 du Journal Militaire, 2e semestre.
(3.) Idem, a un emprisonnement d'un à cinq ans.

*Nota.*—Les peines portées dans ces deux paragraphes pourront, selon les circonstances, être ordonnées contre tout militaire qui aura emporté tout ou partie des dits objets, ou emmené un cheval ou des chevaux, mais qui ne lui etaient pas confiés pour son service; toutefois si le militaire est en outre déclaré coupable de désertion, les peines ne pourront jamais être reduites à celle de l'emprisonnement.

151. Were any, and which, of those punishments inflicted by the will of the commanding officer; or are all of them by court martial?—They are all of them by a committee of officers, after a judicial investigation. They have a variety of smaller punishments, which it is unnecessary to enter into to any who have ever commanded a regiment—confining to barracks, and stopping allowances, and so forth.

152. They have no corporal punishment?—No, not even striking a soldier with a stick. If a soldier is condemned to the galleys, he comes of course under galley regulations, but no soldier, as such, is subject to corporal punishment, nor is any Frenchman. It was impressed upon my mind, and those who gave me the information were desirous it should be so impressed, that they had abolished corporal punishment throughout France; that it formed no part of their law, therefore it could not form any part of military law. I will now put in the regulations of the Prussian, the Russian, and the Austrian Armies. [*The witness delivered in the same.*]

## PUNISHMENTS IN THE PRUSSIAN ARMY.

What are the description of punishments which the non-commissioned officers and the soldiers of the regular Army are liable to suffer as the penalty for military offences?

Military punishments are of two kinds in the service of his Prussian Majesty.

1. Criminal punishments for heavy offences.
2. Disciplinary punishments for slighter offences.

*Criminal Punishments for Privates.*

A private is condemned to be shot when convicted of having been guilty of military offences

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of the heaviest nature, such as giving the pass word to the enemy, conspiracy against the king or royal family, &c. The law condemns a private to be hung for desertion from a fortress, or from his post in time of war, as a mark of greater infamy.

*Punishment of Imprisonment.*

This punishment is divided into two cases.

1. That by which the prisoner convicted of a heavy offence is notwithstanding maintained on the muster rolls of the Army, but condemned to STRAFARBEIT: viz.

Punishment, labour, and military imprisonment in a fortress.

2. That by which the prisoner, being struck off the muster rolls of the army, is condemned to ZWANGARBEIT; viz., forced labour, and *civil* imprisonment in a *civil* prison.

When a private is sent to a fortress, the punishment of hard labour (*strafarbeit*) is always added, which is not the case in higher grades.

The last division, or section of the last company of the garrison of a fortress, is always called the penal section: any private being sent to a fortress for punishment is always placed in that section when he is employed on military works, kept separate under a severe inspection, and locked up when not at work.

When a private is condemned under the second category to *zwangarbeit*, he is placed amongst the civil prisoners, who are distributed, part in the different fortresses, and part in civil prisons.

The condemnation of a private to *zwangarbeit* being incompatible with military service, it can only be applied after the prisoner has been struck off the muster rolls of the army, nor can he at the expiration of his sentence re-enter the service.

## CORPORAL PUNISHMENTS.

*Privates.*

A private who has been convicted of theft, who has been several times condemned to a fortress or to arrest, or who proves by his conduct that simple imprisonment is not a sufficient correction, is sentenced by a court of military justice to be degraded to the second military class; in which class only, prisoners receive corporal punishment for neglect of duty, and in which class he remains until he has given proofs of amendment. His re-establishment in the 1st class can only be upon the proposition of his commanding officer to his Majesty, and his Majesty's special permission is required.

The degradation of a soldier into the second military class being purely a military punishment, a private on entering the service is always considered as belonging to the first class, even should he have been condemned to corporal punishment in his character as a civilian previous to his taking service.

Corporal punishment is inflicted with small canes by a non-commissioned officer, and never in public, but in a separate place, such as the guard-room, or barrack, and in presence of his comrades. Executions in a private room, and without the appointed witnesses, are particularly prohibited.

A private degraded to the second military class cannot be condemned at will to corporal punishment by a subaltern officer for small offences at drill, or in the service: it is only the commanding officer of the corps, regiment, battalion, or company, who has the power of ordering corporal punishment, inasmuch as it is a disciplinary punishment, (*disciplinerstrafe.*) Note A.

*Punishments affecting Length of Military Service, and severest Punishment inflicted as a Loss of Honour.*

A private may be condemned either to be turned out of the Army altogether, and declared unworthy of remaining in the service, which carries with it entire cessation of any relation with military affairs, or he may be discharged from the corps to which he belonged, without undergoing the severer punishment of being discharged the service.

The first of these cases, viz., exclusion from the Army, is considered as the severest punishment which can be inflicted as a loss of honour, and is enforced for those crimes which, not deserving death, are yet considered as meriting an exemplary punishment.

Those who have been excluded from the military service lose their right to citizenship, are incapable of acquiring real property, and their expulsion must therefore be published in the provincial papers.

*Slighter Punishments inflicting Loss of Honour.*

These punishments are of three sorts: viz.

1. Loss of the cockade.
2. Loss of the medal for the war of 1813, 14, 15, the worsted sword knot, and the mark for military service.
3. Loss of Prussian and foreign orders.

*Loss of the Cockade.*—The condemnation of a private to the second military class carries with it the loss of the cockade, (a worsted tuft of black and white.) This punishment cannot be inflicted without previous degradation to the second military class.

Note A. Any commanding officer may inflict corporal punishment on a soldier degraded to the second military class, to the amount of forty lashes (maximum) at once; but a prisoner may receive as one punishment to the number of one hundred lashes at different periods. The prisoner is not undressed, but keeps his shirt and working jacket on, during the infliction of the lashes.

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*Loss of the medal for the war of* 1813, 14, 15, *of the worsted sword-knot, and of the mark for military service.*—A private decorated with the above-mentioned medal loses it on being condemned to the loss of the cockade. Those soldiers who have retired into civil life lose the medal for all sentences given by civil tribunals, condemning them to the loss of their employments, to imprisonment in a house of correction, or to labour in a fortress. A private is condemned to lose the worsted sword-knot, (black and white stripes,) and the mark for military service, (a buckle of gold, silver, or iron, with a blue ribbon,) for the same faults as for the loss of the medal.

*Loss of Prussian or foreign orders.*—A private convicted of a dishonourable action, such as want of honesty, of courage, or of fidelity, is punished by the loss of his orders.

This punishment is not within the competency of an *ordinary* tribunal, his Prussian Majesty having reserved to himself the right of infliction or modification according to circumstances. The condemnation to this punishment is, however, always added to those allotted to the above-mentioned crimes.

*Punishments for Desertion.*

A private who deserts from a besieged fortress, or from a fixed post, suffers death.

A private deserting in time of war, but not from a fixed post, is degraded to the second military class, and imprisoned in a fortress from six to ten years.

A private in time of peace who deserts is condemned, for the first offence, to degradation to the second military class, and one year's imprisonment in a fortress; for the second, to three years' imprisonment; for the third, to expulsion from the Army and perpetual imprisonment.

When a deserter cannot be retaken, his name is affixed to a gibbet.

*Composition of Courts Martial for Privates.*

*The Court consists of*

1 Captain—*President,*
2 First Lieutenants,
2 Second Lieutenants,
2 Serjeants,
2 Corporals,
2 Acting Corporals,
2 Privates,
An officer of the regiment called the Examining Officer.

*Punishments awarded to Non-commissioned Officers,—viz., Serjeant-Majors, Serjeants, Corporals, Acting Corporals, Musicians, Orderlies, Blacksmiths.*

The criminal punishments to which soldiers of these grades, so long as they are in possession of them, are subject, are—

1. Capital punishments, of the same species, and for the same offences, as the privates.
2. Punishment of arrest of three kinds: viz.
   First, Slight arrest, or arrest in barracks or quarters, the prisoner receiving his ordinary rations, and his bed; awarded to those wearing the *silver* sword-knot, that is, to serjeant-majors, serjeants, and cadets.
   Second, Solitary confinement on bread and water, and no bed. The prisoner receives, every fourth day, a hot mess, awarded to all other non-commissioned officers wearing the worsted sword-knot.
   Third, Solitary confinement in a room without flooring, but only joists placed edgeways, ΔΔΔΔΔΔΔΔΔΔΔΔ the room darkened. The prisoner is allowed to pass, during every fourth day, into the room of the second degree of arrest, and receives likewise, on those occasions, a hot mess. Six weeks is the maximum of this punishment. In this degree of arrest, the prisoner retains his boots or shoes: awarded to privates.
3. Loss of honour, by degradation to the rank of private, joined to the loss of the sword-knot, for those who already possessed it.

All the other punishments of imprisonment, and loss of marks of honour awarded to privates, such as arrest of the third degree, imprisonment in a fortress, condemnation to hard labour (*zwangarbeit*), degradation to the second military class, the loss of the cockade, of the medal, of the mark for military service, and expulsion from the army, can only be applied to non-commissioned officers, in cases where the law permits their execution, after the sentence of degradation to the rank of private has been enforced, and which sentence is awarded for all those crimes which require a severer punishment than that of arrest in the first degree, for those non-commissioned officers who wear the silver sword-knot, or of arrest in the second degree for the rest of the non-commissioned officers. All crimes punished by legal degradation to the second military class would be appplicable to this case.

Degradation is also awarded to non-commissioned officers who, by repeated faults, prove that they are not to be corrected by the punishment of arrest, in the first and second degree.

Corporals suffer the same punishment for slight offences as the serjeants; but when they are guilty of heavier crimes, and which require their losing their rank of non-commissioned officers, that degradation is always enforced previous to their receiving the rest of their punishment, and awarded as if they had never enjoyed a higher rank. This degradation to the rank of private is not considered as part of the punishment.

The rank of acting corporals being quite different from that of corporals, inasmuch as it is not temporary rank, but that they are merely a superior grade of privates, with larger pay, the commanding officers of troops have not the power simply to degrade an acting corporal

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from that rank. The loss of this rank is coupled with degradation into the second military class; and the loss of increased pay equally follows the loss of the rank of acting corporal, in all cases of degradation to the second military class.

Musicians belong to the army, and are therefore subject to all military penalties, according to their respective ranks.

Drummers of regiments or battalions, serjeant buglers, rank with the serjeants, and are subject to the punishments awarded to that grade.

Serjeant-trumpeters rank with serjeant-majors.

Notwithstanding that orderlies enjoy the rank of non-commissioned officers, their degradation to the rank of privates cannot be enforced as it is with the other non-commissioned officers, serjeant-trumpeters, and hautboys, unless they were non-commissioned officers previous to their becoming orderlies. Should that not have been the case, the loss of the post of orderly is first enforced, and they are then punished as privates, not calculating the dismissal from the post of orderly as part of the punishment. But, so long as they remain attached to the corps of orderlies, they are subject only to the punishment of non-commissioned officers, that is, arrest in the first and second degree.

If the dismissal from the corps of orderlies is not accompanied with degradation to the second military class, the prisoner may re-enter a garrison company, or be received into one, if he has not previously served in that corps. If he is likewise degraded to the second military class, he is placed, after his dismissal from the corps of orderlies, in a particular section of a garrison company; and if he has not formerly served in a garrison company he is dismissed from active service.

Blacksmiths, being sworn to the articles of war, are considered as belonging to the military state, and are punished according to those articles; their rank as non-commissioned officers being only accorded by usage, and not by law, they are not degraded to the rank of privates, but are punished exactly as privates.

*Composition of Military Courts of Justice for Non-commissioned Officers.*

| *For a Serjeant-Major.* | *For a Serjeant.* |
|---|---|
| 1 Captain—*President.* | 1 Captain—*President.* |
| 2 First Lieutenants. | 2 First Lieutenants. |
| 2 Second Lieutenants. | 2 Second Lieutenants. |
| 2 Serjeant-Majors. | 2 Serjeants. |
| 2 Serjeants—*assessors.* | 2 Corporals. |

For corporals and acting corporals the same as for privates.

*Disciplinary Punishments for Privates.*

Privates in the infantry committing errors at drill, irregularities in dress, and other slight faults, may be punished by extra drilling, cleaning arms and accoutrements, and particular guards.

In cavalry regiments the same faults are punished by privates being obliged to clean the horses and harness of the men on guard, by being under the inspection of a person appointed to see that the horses are properly attended to, and by not being allowed to quit the stables without the permission of the inspector.

For other slight faults commanding officers are permitted to award other punishments, provided they do not hurt the feelings of honour.

Heavy offences against military discipline are punished by the three degrees of arrest already explained; and those privates who have incurred punishment, and have been degraded to the second military class, receive corporal punishment.

A private condemned to the first degree of arrest, but who proves himself unworthy of indulgence by breaking his arrest, by drunkenness, or gambling, is condemned to solitary confinement.

When a private has committed a fault which does not quite justify his exclusion from the Army, but which is notwithstanding so grave as to require a severe punishment, a commanding officer may request from the minister of war permission to discharge the individual from his corps, forwarding to the War Office a detailed account of the faults committed by the private, and the course which has been hitherto adopted to correct him.

*Disciplinary Punishments for Sergeants, Corporals, and Acting Corporals.*

Non-commissioned officers are punished by arrest, according to their rank; that is, besides arrest in their quarters, arrest in the first degree for those wearing the *silver* sword knot; and, in the first and second, for those wearing the worsted one.

## PUNISHMENTS IN THE RUSSIAN ARMY.

What are the descriptions of punishment which the non-commissioned officers and the soldiers of the regular army are liable to suffer as the penalty for military offences?

*Des Punitions en usage dans l'Armée Impériale Russe.*

Les délits que le droit pénal militaire soumet à l'examen d'un Conseil de Guerre, sont:

1. La trahison.
2. La désertion pour passer chez l'ennemi.
3. La désertion du champ de bataille.
4. La désertion d'un poste.

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5. La désertion du régiment ou du détachement.
6. La désobeissance.
7. L'espionnage.
8. Le vol d'un propriété appartenant à la Couronne.
9. Le brigandage, le pillage, et le vol d'une propriété particulière; la violence des punitions attachées a ces délits sont proportionnées à leur importance; elles sont:
1. La peine de mort qui s'exécute en fusillant le coupable.
2. La mort civile.
3. La perte de tout grade militaire et le renvoi hors de l'armée.
4. La perte d'un seul, ou de plusieurs grades.
5. La degradation comme soldat pour un temps fixé ou illimité.
6. L'emprisonnement.
7. L'exil.
8. La peine de faire passer par les verges. Les simple soldats et les bas officiers, n'appartenant pas à la noblesse, peuvent seuls subir cette punition. Ces peines sont accompagnées de la confiscation d'une partie ou de tout le bien des criminels, suivant l'espèce et la gravité du délit.

La peine de mort n'est employée que pendant la guerre. En tems de paix elle est remplacée par la condamnation des criminels à la mort civile, et l'exil en Sibérie aux travaux forcés.

Les punitions correctionnelles pour délits militaires dependent de la volonté des chefs et sont ordonnées par eux, sans jugement préalable d'un Conseil de Guerre.

Les délits soumis à des punitions correctionnelles ont principalement lieu dans les cas suivans. Ou on s'écarte spontanement de l'ordre établi dans l'intérieur du service, ou bien on transgresse les devoirs qu'il impose par négligence ou mal-entendu, mais sans intention coupable, ou enfin si l'on désobéit à la discipline intérieure du régiment dans des cas qui sont proprement du ressort de la police militaire.

Le commandant du régiment a le droit de condamner ceux qui se rendent coupables de délits plus graves, à être punis corporellement, c'est à dire par le moyen de verges.

Cette punition ne peut monter au delà de 20 coups, et il est sévèrement défendu de faire subir cette punition aux soldats pour des fautes dans l'exercice à pied ou à cheval, ou des négligences légères, de même que de les faire punir avec quelque autre instrument que les verges. Les commandans des régimens sont responsables dès qu'ils s'écartent de cette regle.

Les soldats décorés de l'ordre militaire ou de celui de S. Anne pour 20 années de service irréprochable sont eximés de tout châtiment corporel; ils ne peuvent y être assujettis que par la sentence d'un Conseil de Guerre, après avoir été neanmoins privés de ces ordres. Outre les punitions sus-mentionnées les sous-officiers peuvent être fait soldats par les commandans des régimens surtout pour cause de débauche, ou de surveillance inexacte de la conduite des soldats qui leur sont confiés.

## PUNISHMENTS IN THE AUSTRIAN ARMY.

What are the description of punishments which the officers, the non-commissioned officers, and the soldiers of the regular Army are liable to suffer, as the penalty for military offences?

The punishments entrusted to the power of the commander of a regiment are the following:—

Officers, consequently also the adjutant, are punished with arrest to their quarters, or in charge of the provost; but in irons only, if the trangression amounts to a capital offence requiring penal law proceedings. If the conduct of an officer leaves no hopes of amendment, a court-martial is the unavoidable consequence.

The punishment of the auditor,* the principal surgeon, physician, and the paymaster of the regiment, are the same as above stated.

In case of an individual deserving to be discharged for being incorrigibly guilty of bad or vicious conduct, for incapacity, or for any other reason, an explicit report must be previously made of the case to the Aulic Council of War; and if the offender is paymaster, or holds a confidential situation in his department, further proceedings must await a certificate of the correctness of his accounts from the proper office.

Assistant-surgeons and *fouriers* are punished with arrest in custody of the provost, in irons, or otherwise. If inefficient in their duty, and not engaged for a definite period, they are to be discharged, as well as in the case of incorrigible bad conduct.

Serjeants, provosts, band-masters, and drum-majors, are subject to similar punishment, in similar cases; and if no amendment follows, or the first offence is of a serious nature, they are reduced to the rank of corporal, or, according to the circumstance, to that of a private soldier, for a longer or shorter period, or even for ever; the last, however, not without a court martial.

The punishment of a corporal is solitary confinement on bread and water, with or without irons, in an upright or stooping posture, temporary or, after the decision of a court martial, permanent reduction to the ranks. No corporal is to be flogged whilst he holds his rank. If it becomes necessary, during a period of reduction, it shall be done privately.

The cadets are to be punished with extra guards, provost arrest, bread and water, with or without irons; when ironed, either in an upright or stooping posture: and, if they are under officers, with reduction to the rank of a private cadet. An individual of the latter rank

* This officer appears to be a military or regimental Judge Advocate.

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who acts in a decidedly disgraceful manner, and is otherwise incorrigible, is to be dismissed from the regiment.

The punishments of lance-corporals and drummers are extra guards, solitary confinement on bread and water, irons in straight or stooping posture, and reduction to the ranks. Before temporary reduction of a lance-corporal is resorted to, admonitions should be tried.

In the instructions for the captains it has been already mentioned that lance-corporals and drummers are never to be flogged publicly; if such punishment becomes absolutely necessary, the individuals must be previously broken.

If a private soldier shows himself deaf to previous reprimands and admonitions, as well as unmindful of the consideration which his orderly and well-behaved companions enjoy, the punishments are extra guards, cleaning and polishing of the arms in store, under proper inspection,—arrest, with or without chains, in upright or stooping posture, with bread and water for his diet; and in cases of offences being repeated after previous pardon and admonition, or of highly disgraceful conduct, flogging or running the gauntlet. When flogging is necessary, the number of strokes is to be determined by the bodily constitution of the individual, and is never to exceed fifty. In running the gauntlet, six turns up and down between one hundred men is to be the utmost punishment.

No individual above the rank of a common soldier can be sentenced to be flogged, or to run the gauntlet, unless he be first broken. Flogging is not to be inflicted upon a criminal without his clothes on, and not with the point, but with the full length of the stick, which is to be of hazel wood, not thicker than the bore of the musket, and without ferrule and knots.

The stooping posture under chains is not to be continued beyond six hours; after which, if prolongation of the punishment is deemed necessary, intermission must be granted for a reasonable time.

The pay of an individual, from the serjeant downwards, under punishment of bread and water, if not applied to just and due repairs, is to be paid into the hospital fund.

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153. With respect to such an offence as the selling of necessaries, what is that called in the French Army?—It would be selling their effects. That is a great military offence everywhere; for a man cannot do his duty without his necessaries.

154. That is an offence for which, in this country, he would be tried by regimental court martial?—With us it is more serious, perhaps, than with them; for it not only prevents a soldier doing his duty, but it affects the captain, who is responsible for the cost of the necessaries.

155. It appears in the paper you have produced that the selling of arms or necessaries is punished with hard labour at the public works from two to five years?—Yes.

156. What punishment usually is inflicted upon persons committing such an offence in our Army?—It would vary under the Mutiny Act, according to the nature and degree of the offence, and the character of the individual, and punishment would be awarded accordingly.

157. Under which class in our regulations would that come? would it come under those offences triable by a regimental court martial?—By a district or garrison court martial.

158. The maximum of punishment in that case would be three hundred lashes?—Yes.

159. Among those offences there is one called "*insulte par le subordonné avec propos ou geste;*" which means the use of threatening language?—Yes, or gesture.

160. The punishment affixed to that is five years in irons?—It is.

161. Does that mean five years in a public prison?—I understand that to mean five years in irons in a fortress.

162. Will you turn to the regulations, and state what the maximum of punishment is that would be inflicted upon an offence of that nature in our own Army?—That, according to the nature and degree of the offence, would be triable by regimental courts martial, or by district and general courts martial, according to the nature of the insult and insubordination offered.

163. For any offence of that description not thought of sufficient consequence to be submitted to a general court martial, the maximum of corporal punishment would be equally three hundred lashes?—Yes.

164. Could you, from your experience in the Army, say how long a period it takes to cure a person who has experienced a punishment of three hundred lashes, so as to enable him to resume his duty?—That must depend upon many circumstances, the strength of the man, the climate in which he receives the punishment, and the manner in which it is inflicted. It is more for a medical man to answer; but about ten days or a fortnight perhaps.

165. There is among the punishments awarded one called "*Degradation civique;*" are you aware what that punishment means?—I understand it to mean making him an outlaw, or depriving him of his civil rights, of which they have a great many; for example, power of making a will, power of leaving or managing his property, and that description of thing.

166. There is an offence called "*Desobéissance formelle à son supérieur;*" what is that?—That would be disobedience of orders; refusing to turn out for drill, for instance, or guard mounting, &c.

167. How would that be punished?—According to the nature and degree of the offence, whether a man meant it, whether it was his habit, or he came out afterwards, or persisted in his refusal.

168. Under the regulation, is it meant that in all cases where a person shall be found guilty of those offences, whether there are circumstances which mitigate the offence or not, this punishment must be inflicted unless the prisoner is entirely pardoned?—I cannot speak decidedly, but I should imagine not, but always according to the nature and degree of the offence, like as in our own service.

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169. Is there any range of limit from such a punishment to such a punishment?—If this question means discretionary punishment, no, I believe not.

170. Are you aware when the practice of corporal punishment was abolished in the French Army?—At the commencement of the Revolution, when the conscription was established.

171. Are the habits of the French soldiery as intemperate with respect to liquor as ours are?—No; I think the besetting vice of the English community, and certainly of the English army, is drunkenness; and I have seen instances of it that I would not impose upon your credulity by narrating. But the quantity of liquor that they drink, whenever they can conveniently get it, is astonishing. I may allude to a very remarkable case, one out of many that I saw on the retreat of the English Army from Burgos. A very large number of men in a state of beastly drunkenness were lying round the subterranean wine-pits of the Spaniards when the Army was moving from before the enemy, and when the enemy would be upon them in two hours.

172. Instances of that kind do not occur in the French Army?—No; nor I believe in any other Army.

173. In the English Army, are the beginnings of drunkenness very much watched and punished?—Yes; there is every precaution that the officers can take. There is nothing that English officers are more desirous of preventing than corporal punishment in their regiments. They take every pains to prevent it; and thence it is that a great deal of calumny, if I may so express it, has been used against the officers of the English Army, when, to meet the wishes of the people of England, they have taken upon themselves to award a small punishment instead of bringing the soldier to a court-martial, by which he certainly would have been awarded corporal punishment. If an officer is prevented carrying into effect the provisions of the Mutiny Act by awarding corporal punishment, and no other is substituted, he is placed in a very difficult position. If he inflicts a minor punishment to save the necessity of corporal punishment, he is called a tyrant; and if he carries into effect the provisions of the Mutiny Act, he is called cruel.

174. Referring to the paper you have given in with respect to the Austrian Army, it appears that in that Army a private soldier is not allowed to be punished corporally by flogging or running the gauntlet, until his offences shall have been repeated after previous warning and admonition, or in case of his committing some disgraceful offence?—Yes.

175. Is it your opinion that some such regulation as that might be introduced into the English Army?—Whenever the Commission put any question to me that has reference to the custom of a foreign Army, I must always consider that question with reference to the very extraordinary position of our own Army, which is in a different situation from any other Army in the world. In Austria, in Prussia, in Russia, in France, the soldiers serve upon their own soil. They can be put in a fortress; a regiment or detachment may be put in a fortress, and can be placed with other regiments; and they may be placed under an officer of higher rank than a regimental officer. With us the regiments are serving not only in isolated stations, at the distance of half the globe asunder, but each of those regiments separated into smaller detachments; therefore, I think the regulation alluded to, as applied to foreign armies, cannot in practice be safely applied to our own.

176. Have the French no troops in any of their colonies?—None of their land forces.

177. Are you aware whether the French marine force in the colonies is under a different system from the land force?—No; I apprehend that all their forces serving on land are under the same martial law.

178. When a French Army is in the field, and a soldier commits the offence of insubordination, or some of the minor offences which occur, is he sent to the rear and not suffered to serve, or sent to prison?—I cannot with any accuracy answer to the details of the practice in the French Army, but, from every thing which I saw of them, they managed their discipline with great effect.

179. Are there not fortresses in every part of France to which soldiers who have committed offences may be sent and employed on public works?—A great number of them.

180. So that the punishment of confinement can be carried into effect at a very short notice, and with great facility?—Yes, it must be in the cognizance of every one, on all parts of their extensive frontier.

181. A soldier thus employed does not lose his military character during confinement as he would in England, where he is sent to a civil gaol?—That would depend upon the manner of the confinement. If an English soldier is sent to a civil gaol, there is this hardship, that there are many military offences of a very serious character, which in civil life are no offences at all—I mean no immoral offence. If you send a man convicted of a military offence to gaol, and associate him with felons, you do him a very great injustice.

182. Does not a prisoner sent to a fortress in France still maintain his military character?—He may be employed as a military man, or employed upon the works, working with a spade and a mattock.

183. But he still works under military control, and his military character is less impaired?—Yes, it is a military prison.

184. Is not there a punishment in the French Army called "*Degradation Militaire?*"—Yes.

185. What is the ceremony—what effect does it appear to have upon the soldier?—The ceremony is this, that the regiment in which the man is is drawn out; the man is stripped of his uniform, and has the prison dress put upon him, and he is paraded in front of his regiment in a most humiliating manner; and he is then sent to the prison or the galleys, according to his sentence. It certainly does make a very great impression upon the mind of every soldier who witnesses it.

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186. It is pretty nearly the punishment of drumming out, superadded to which is the sending to the galleys?—Yes; but, with great submission, it is impossible to make a fair comparison between the feelings of the individuals of the two countries. In the one it is a decided military feeling, and in the other it is not.

187. You believe that the appeal to the feelings of military honour would not be answered so readily here?—It is the feeling of the public to which I refer.

188. The effect of the conscription in France is to give a military character to the whole population of the country?—That, in my mind, carries a further feeling with it. Every individual in France knows that, having a very large and extensive frontier, with powerful enemies upon the other side of it, they must have at all times a very large Army on foot; and, therefore, there is a military feeling in France that we see nowhere else, and that cannot, from our relative situation, exist amongst us, where our frontier is of a different character. The range of feeling and opinion, in both countries, is essentially different upon this point.

189. Must not that feeling be considerably increased by the fact of every individual passing some part of his life in the service?—Certainly; besides the men who compose the regular Army in France, they have a million of National Guards.

[*The witness withdrew.*]

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*Thursday, 23rd March,* 1835.

The Right Hon. LORD WHARNCLIFFE in the Chair.

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Major *Charles St. John Fancourt,* M. P., called in and examined.

*Major Charles St. John Fancourt.*

190. You are a major in the Army?—I was a major: I am no longer in the Army.

191. While you were in the Army, in what regiment did you serve?—I served in the 17th dragoons; I was also in the 4th dragoons, and in the 6th or Enniskillen dragoons.

192. During that time where was your service performed?—In India chiefly; I was in India five years.

193. In what part of India?—On the Bombay establishment.

194. You entertain a strong opinion with respect to the punishment of flogging in the Army?—I do.

195. Will you have the goodness to state to the Commissioners the nature of your objections to that punishment?—My chief objection to the punishment of military flogging is, that I think it inefficient in itself. I do not think it realizes its declared objects.

196. What do you conceive to be its object?—I conceive its object to be that of maintaining the discipline of the Army; but I think that, while enforcing that discipline, it degrades the character of the soldier generally, and tends to harden rather than to reform the delinquent subjected to it.

197. Does your objection apply to the punishment looking to its effect on the individual punished, or to the punishment as an example to his brother soldiers?—My chief objection certainly is, that it tends to harden the character of the individual punished; but at the same time I must express my conviction, that, by the substitution of other punishments in lieu of flogging, the discipline of the Army might be more efficiently maintained in its operation on the minds of soldiers generally.

198. Do you conceive the punishment of flogging to be without its effect as an example?—It certainly has an effect as an example at times.

199. Do you think there are other punishments which might be substituted, which would have as much effect in the way of example as that of flogging?—I think there are other punishments which might be substituted, which would have as much effect; and I think they would have this advantage over that of flogging,—namely, that the punishment of flogging excites a sympathy in the minds of those who attend it on behalf of the individual punished.

200. At the same time you are of opinion that it fails entirely in the effect of reforming the individual punished?—Decidedly; as a means towards reformation I am convinced that it fails of its object.

201. You are aware of the regulations under which the punishment of flogging is applied in the Army at present?—Yes, generally. There may be some regulations with which I am not strictly conversant; for I have not done regimental duty of any kind for the last eight years.

202. You are aware that no corporal punishment can be inflicted without the sentence of a court martial?—It never was inflicted without the sentence of a court martial.

203. You are aware that certain courts martial are confined to a certain number of lashes, and certain others to a greater number?—General courts martial are not limited, I believe, in the number of lashes at all. District courts martial are limited to three hundred; regimental courts martial to two hundred. At the time I was doing duty the regimental courts were limited to three hundred.

204. Are you aware that the punishment of flogging is confined to a certain description of offences?—I am aware that about two years ago, in consequence, I believe, of what occurred in the House of Commons, an order was issued from the Horse Guards, restricting the punishment to certain offences. With reference to that order I would observe, that it is not very strict in its limitation of the punishment; and, further, I think it will be found, on inquiry, that the order in question has not been rigidly adhered to.

205. Are you aware of any instance in which it has not?—I cannot state any particular instances, but I speak from conversations I have had with military officers on the subject, who would not, I think, mislead me. I have been told that the punishment of flogging has been

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inflicted for offences which, in my humble opinion, could not come within the provisions of that order. However, this is matter of opinion, and I may be mistaken.

206. Supposing that corporal punishment was entirely abolished, what punishment would you propose to substitute for it?—I certainly think the principal substitute for it would be found in solitary confinement.

207. When you speak of solitary confinement, do you mean solitary confinement as it is now administered,—to confine a soldier in the black hole merely, or as practised in the prisons of this country?—Not exactly as practised at the present moment; for, in the regimental barracks, there are no places which, strictly speaking, come under the denomination of solitary cells, and consequently there are no means of carrying the punishment of solitary confinement into full effect. When I served with the 17th dragoons in India we had what we called *conjee* houses. The prisoners were kept in rigid confinement in these *conjee* houses, dieted on rice, and strictly watched, and, I may add, with very beneficial results. Now, though this may be termed solitary confinement, yet, if adopted generally as a substitute for military flogging, it should be on a bolder and more extensive scale. I would therefore suggest the establishment of a military district prison in each district. Were such prisons erected, and the system of solitary confinement fully developed, as in the state prisons of America, the salutary effects would, I think, soon become apparent.

208. At present you do not think there are any means of enforcing solitary confinement properly as a punishment in the barracks in England?—At present certainly not; we must wait till the requisite buildings are erected. Solitary cells might in the mean time be provided in the barrack-yards, where, generally speaking, I think this mode of punishment might be adopted with advantage.

209. With respect to solitary confinement in civil prisons, as at present practised, what is your idea?—I think it exceedingly injurious.

210. Injurious in what way?—I think it injurious, because the military delinquent is confined among persons guilty of almost every variety of crime, to the manifest detriment of his general character; added to which I think it expedient that a soldier should be visited only by military punishment.

211. You are of opinion that the system of substituting solitary confinement for flogging can be only after some delay, and after the erection of some military prisons?—I think that those prisons might be built without any great delay.

212. Have you looked into that?—It might be presumptuous in me to say so much, but I may remark, judging from the usual progress of public buildings, the construction of such prisons would not occupy any great length of time.

213. There must be district prisons also in Ireland?—Yes, no doubt there must be; and the districts are rather numerous there.

214. Are you aware of the proportion of the British Army which is actually quartered at any time in these Islands?—I should think the proportion inconsiderable as compared with the troops on foreign stations. I do not know the exact number quartered in the United Kingdom. Not more, *probably*, than eighteen or nineteen thousand; but I cannot speak with any certainty to that point.

215. Are you aware that three-fourths of the British Army are actually quartered out of the United Kingdom?—Perfectly.

216. Applying your system to the troops quartered out of Great Britain, how would you propose to apply the system of solitary confinement?—There are facilities, I should imagine, on foreign stations, for establishing the system of solitary confinement. In India, for instance, I know such facilities exist.

217. Are there no detachments from the Army in India at such distance as to prevent the having a military prison?—They can never be said to be wholly out of the way of solitary confinement wherever a regiment is detached; for a solitary cell is always to be found. But certain it is that the punishment could not be so systematically applied as in a military prison.

218. Do you mean a cell, or a room?—A room. It could not be done on the same system, of course.

219. With those climates there would be a greater necessity of attending to circumstances, for the sake of the health of the prisoner?—Decidedly: that is a point to which the greatest attention is paid. I believe, in the system of *conjee* houses, there was the greatest attention paid to it. They always took the man out early in the morning for air, for a certain time, during which he was not allowed to speak to any one.

220. Of course those places must be made strong?—Certainly.

221. In those parts of the Colonies where the troops are quartered in small detachments, two companies together and so forth, do you think it would be practicable to introduce a system of solitary confinement sufficiently to do away with the necessity of corporal punishment?—It should be observed that no man could be sentenced to solitary confinement, except on the finding of a court martial. Now, supposing the detachment sufficiently numerous to constitute a court martial, it could scarcely be without means for carrying a sentence of solitary confinement into effect.

222. With respect to service in the field, do you conceive it would be possible to keep up a state of discipline in case the principal punishment should be solitary confinement?—On that point I ought to speak with very great deference, never having been called into active service in the field, in the usual sense of an engagement. As to the conduct of troops on the line of march I can speak more confidently, and I apprehend that men may be kept in order, while on active service, without the power of military flogging. In the French Army, if a man be guilty of any particular offence while on the line of march, he is handcuffed and ordered to the rear. At the end of the day's march he is put into confinement, and, as soon as an oppor-

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tunity offers, he is regularly brought to trial before a court martial, and sentenced to such further punishment as the nature of his offence may be found to require.

223. Suppose the case of our Army in Spain: in a foreign country, where it can have no establishment for the purpose, and a man commit an offence grave enough to be tried by a court-martial, but not grave enough to be punished by death, how would you propose to substitute, in such a case as that, solitary confinement for flogging?—I should think solitary confinement might be carried on even in camp.

224. How could that be done?—He might, at least, be kept entirely apart from the other soldiers. I have already adverted to solitary confinement, under similar circumstances, in the French Army. If it is found applicable there, I see no obstacle to our adopting it. As was just observed, the man might be kept apart. I would not have him tried till the most fitting opportunity; but I would debar him all intercourse with his comrades during the day, and have him confined at night, till a fitting opportunity for a formal trial should arrive.

225. Then the man must be kept under a guard in those circumstances?—Certainly.

226. Then other individuals are withdrawn from the service, as well as the man, for the purpose of guarding him?—I do not really see that this objection applies to any extent. There are of course always guards employed in the regular duties of the camp, and, except in cases of very rare occurrence, it does appear to me that the guard so employed would require very little, if any, additional assistance.

227. Suppose a man to be confined in a tent, which is the only solitary confinement that could be applied in such a case, it would be necessary to have a sentry to that particular tent?—Is the case referred to that of a large force, with standing military guards?

228. The question refers to an Army moving on from day to day, and without any sort of fortresses or prisons in that country:—a man having committed a military offence, how would you propose to deal with that man?—I am of opinion that the most summary and effectual mode of treatment on the line of march would be to order the offender immediately to the rear, where he should be handcuffed, and kept apart from the rest of the regiment during the day, and confined at the conclusion of the day's march.

229. Do you conceive that if a man is taken from very severe duty before the enemy, and merely confined in a tent, which appears to be the only way in which he could be confined under those circumstances, that is a very severe punishment?—To me it appears a very severe punishment; and I know that where men on board a ship are put in irons, and confined apart from their comrades, they regard it as a great severity.

230. Supposing that ship to be in great difficulties, and a great deal of duty to be done on board, are you of opinion that the men on board that ship would think a man confined in irons, doing nothing, was undergoing a very severe punishment?—I think the effect of such a punishment on the spirits and feelings of the man, his being put in irons, and cut off from his associates, renders it impossible for him to prefer it to the discharge of his ordinary duties.

231. What do you think would be the effect of the punishment on the others if they saw this man, who had committed a military offence, merely kept away from his duty, and confined, while they were undergoing the hardships of their situation?—I do not consider the punishment in question an exoneration from duty; I regard it as a severe infliction on the offender.

232. The object of all punishment being example to the others, do you conceive that the mere withdrawing a man from duty, and confining him in the way alluded to, would have the effect of any example on the other soldiers?—I do think it would operate as an example, and that the men would studiously avoid the description of offence entailing such a punishment.

233. Do not you think that idle and profligate men would be very apt to commit offences for the very purpose of avoiding their duty?—That is, in my opinion, an improbable case. Of course there will be occasionally men wishful to shirk their duty at the risk of the punishment; but I think that, after they had undergone the punishment for a time, they would gladly return to their duty.

234. Do you think that the mere confinement in prison, doing no duty, is in point of fact any great punishment to any one?—I think a man utterly deprived of all communion with his comrades, put in irons, and kept under guard, is suffering great punishment.

235. Do you think that a punishment in the same proportion that a corporal punishment is?—Undoubtedly the corporal punishment is much more severe in its character, but, at the same time, I believe it to be far less likely to reclaim the offender to a sense of his duty.

236. Do you conceive the object of the punishment to be rather the reformation of the individual than the example to his fellows?—I conceive that the object of the punishment is twofold, embracing both the one and the other of the points just mentioned.

237. What do you conceive to be the object that should be looked to most in awarding a punishment?—I certainly think that the principal object should be to deter others from the commission of crime, but, while effecting that object, I think that the most eligible course which may lead to the reformation of the delinquent himself.

238. If the two objects can be combined, you think that desirable?—No doubt.

239. Supposing a case in which the two objects cannot be combined, which ought to have the preference, example to his fellows, or the reformation of the individual?—That is a very speculative question, and must probably remain a matter of opinion. I have already said that, regarding both objects of the highest importance, I am inclined to say that the first consideration should be the deterring soldiers from the class of offences subject to grave punishments.

240. Taking the case of an army in quarters in a common garrison, are you of opinion that, where there should be the means of confining a soldier in solitary confinement, a punishment of that nature will have as much effect, in the way of example, upon his brother soldiers, as a public punishment at the halberds?—I really think, that though punishment at the halberds may produce its effect on the soldiers present, yet the effect is one almost of disgust. It

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certainly is not of a nature to improve the efficiency of a corps where it is frequently experienced.

241. Are you of opinion that it does not check the offences?—I think the offences might be more efficiently checked by other means.

242. Those means are, in your opinion, solitary confinement?—I certainly regard solitary confinement the most efficient for the reclamation of offenders. I would also suggest that rewards should be held out for exemplary conduct. Once abolish the punishment of military flogging, and I doubt not that men of a much more respectable class will enter the Army. To such persons additional inducements might be held out with advantage.

243. Rewards of what nature?—If a certain number of Commissions in the Army were bestowed on persons from the ranks, it would, I think, be a great inducement to respectable persons to enlist.

244. Do you mean a certain number annually?—I would not say annually, but a certain proportion. It would not only be an inducement to persons of good character and connexions to enter the ranks, but also a stimulus to well-regulated conduct.

245. Do you mean that a certain number of Commissions in each regiment should by necessity be given to those who rise from the ranks, or merely that, when a person conducts himself well in the ranks, he should have a commission given him?—There appears to be no necessity for restricting the promotion to that particular regiment. That point might be left to the discretion of the Horse Guards. All I wish to suggest is, that it should be known generally throughout the Army, that a certain number of Commissions were disposable as rewards to those who, by exemplary conduct, should merit such distinction.

246. That, you think, would lead to the introduction of a different description of men into the Army?—Yes, I think it would raise the moral tone of the Army.

247. Are there not Commissions given to men who have been in the ranks?—Yes, certainly: some of the adjutants' and some of the quarter-masters' situations have been given to men who have been in the ranks.

248. Are there not instances of persons having risen to a very high rank in the Army from the ranks?—There are, undoubtedly, some very distinguished instances of this: but, if it were known that a certain number of Commissions would be bestowed on the deserving, a different description of persons would enter the ranks of the Army.

249. Did you ever have to do with the recruiting the Army?—No.

250. You cannot speak, from experience, of the description of persons who come into the Army, nor the reasons that induced them to come into the Army?—Certainly, from personal experience, I can say nothing at all upon the subject.

251. Have you ever known in the Army individual soldiers who were, in point of fact, of a better rank of life than the generality?—I have certainly known one or two instances of men who have been said to have exceedingly respectable connexions, who were serving in the regiment.

252. What sort of character did those men bear in the regiment?—I should say that the men I particularly have in my mind at the moment conducted themselves exceedingly well, and very respectably.

253. Were they promoted to be non-commissioned officers?—One of them was; but I have often known some of the steadiest and most efficient men remain in the ranks. This may, it is true, arise from various causes; such as inability to write, &c. From causes of this description men otherwise qualified for promotion have no chance, however distant, of obtaining it. I wish here to supply an omission, with reference to my previous suggestion on the subject of military district prisons. It occurs to me that, if such a system were to be adopted, it might be advisable to form a corps from men sentenced to such prisons for any length of time: all members of such corps to forfeit any pay accruing to them from length of service, but still to be re-eligible to the ranks of the regular Army on the recommendation of the officer commanding the condemned corps.

254. You were understood to say that you entirely disapproved of the confinement of soldiers in cells in England, as at present?—Yes, as a military punishment, undoubtedly.

255. You are aware that there are many crimes committed which require an immediate example: how would you treat a case of that kind,—such as gross insubordination?—I think many of the most heinous offences in the Army are not treated in this summary manner. Suppose a man knocked down an officer, as serious an offence as he could possibly be guilty of, he would not, in such a case, if it occurred in the barrack-yard, be tried by a drum-head court martial, in order to have him flogged on the spot. But, even supposing effect to be the principal consideration, the proceedings are far more calculated to impress the minds of men where the commanding officer orders such an offender to be quietly removed, and tried by a court martial; and I cannot but think a sentence of protracted solitary confinement, imposed by such a tribunal, would produce a more salutary effect on the offender, and also on his fellow-soldiers, than the summary punishment before alluded to.

256. You are aware that, in some of the garrisons, the men are not three nights in bed,—the individuals left would, if men were taken away, have to perform their duties?—Any man sentenced to this solitary confinement I would have sent to another corps before he returned to his regiment; and, therefore, I would have another man put in his place to perform his duty. I do not apprehend that those offences could be so very frequent as to withdraw a large number of men from the Army at the same time.

257. Have you considered solitary confinement with or without hard labour?—I certainly consider it with labour in the district prisons,—not in the barracks, of course.

258. Do not you think that hard labour, combined with solitary confinement, would have a good effect, not only in respect of the individual prisoner, but in respect of example?—I think

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labour added would have a very beneficial effect. I scarcely know, in a military district prison, how the prison could be carried on without it, to a certain extent.

259. Do you mean convict labour—degrading labour?—No, the labour they have in prison.

260. Do you remember, in the course of your service, many instances of persons punished whom you regretted to see punished, being good men habitually?—I have known many instances of good men being punished, and that is one of the most painful parts of the system. It is to be regretted, that, in most instances, it is the *offence* that is punished, and not the *man*. For instance, I have known men of good general conduct offend by being drunk on guard.

261. How far back do you speak to?—Ten years back.

262. You would think it necessary to punish drunkenness on duty, whether in good men or not?—Certainly, but not with corporal punishment.

263. Do you mean to say that the first time any men were found drunk on guard they were tried by court martial, and flogged?—Yes, I wish to mention one instance of a good soldier, not indeed flogged, but he escaped only because the court martial thought proper to act on their own view of the matter. The man in question was about twenty-two, belonging to the band, and in all respects as good a character as any in the regiment. He was confined, and ordered to be tried for being out of barracks after hours (nine o'clock). I ought here to mention that the offence had been several times committed in the regiment, and the commanding officer declared on parade that the first time it took place again he would tie the man up and flog him. The individual in question happened to be the first offender; he was tried by a court martial, which sentenced him to three weeks' solitary confinement. The proceedings were taken to the commanding officer, who said, "I must have this man flogged." The president of the court martial said, "I fear, Sir, the court will not agree with you in thinking that he ought to be flogged." He rejoined, "Oh, they must flog him; for I will keep them sitting there till they do flog him." The remark then made to the commanding officer was, "Are you aware, sir, that you can only revise the court martial once?" and the particular clause was pointed out to him. He was, probably, aware of it. However, he said, "A message must be taken to the court martial, and they must be told it is an offence for which they ought to flog the man; and, unless he be flogged, a report will be made of the matter to the adjutant-general." That message was not taken by the president of the court, because he suggested that it had better be taken by the commanding officer himself. This was accordingly done. The court martial revised their sentence. There was a change in their opinion, but not sufficient to induce them to flog him. When the proceedings were taken back to the commanding officer he said, "I shall make a special report of this to the inspector-general, who is coming here in two or three days, and have the affair laid before the adjutant-general." The man was kept in solitary confinement, without his sentence being made known to him. On the inspector-general's arrival he called the court martial together, and said that on such occasions it would be well if gentlemen were to pay some attention to the views and experience of their commanding officer; but, at the same time, it was not his wish unnecessarily to interfere with the sentences of courts martial. He did not think it a case which required to be submitted to the adjutant-general. He added, that though much was said about flogging, it was better than sending a young man of the description of the prisoner to gaol, where he must acquire bad habits. For his part, he had none of that humanity about him which would prevent him tying a man up in such a case. Now, this is an instance in which a really good soldier escaped the punishment of flogging by what I conceive to have been a proper exercise of discretion on the part of the court martial.

264. This took place within your own knowledge?—It did.

265. The punishment of flogging was thought necessary to prevent an offence which was growing?—Yes.

266. Are you at all aware what the effect of the proceedings in question was upon the regiment?—I cannot speak from personal knowledge, as I left the regiment almost immediately after.

267. In India was the proportion of corporal punishment greater or less than in this country?—In one regiment it was particularly severe; in another, in which it was hardly ever resorted to, the discipline was infinitely better preserved than in that first mentioned.

268. What period do you refer to?—1821 and 1822.

269. In the regiment in which the corporal punishment was most frequent were the same individuals brought up again for corporal punishment?—I certainly have known the same man flogged repeatedly; nay, to such an extent was the corporal punishment carried in one regiment, that it would be difficult to particularize instances.

270. There was, perhaps, very little other punishment but flogging in that regiment?—Solitary confinement was also inflicted. The prevailing offence was drunkenness, and, when committed on guard, it was invariably visited by corporal punishment. There was at that time an idea prevalent that the commanding officer had a sort of discretionary power over the punishments ordered; so that, if a man were sentenced to 300 lashes, he could offer him the option of undergoing three weeks' solitary confinement instead. I have known such an offer made, and the man has answered, "No! I would rather take 300 lashes than three weeks' solitary confinement." But Lord Hastings put a stop to this practice when it came to his knowledge.

271. Corporal punishment does not appear to have deterred men in the instances you refer to, where they were punished again?—Decidedly not.

272. Were they considered as persons whose character was degraded by the corporal punishment inflicted upon them; were they marked out?—It is impossible for an officer exactly to tell the effect it has; he can only form his opinions upon the subject; and, on that

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ground, I think that it might be desirable to examine some non-commissioned officers upon the subject.

273. All the instances which have fallen within your own observation appear to have taken place from ten to fifteen years ago?—I have had opportunities of witnessing such instances up to 1827. The instances of extreme flogging to which I allude occurred in 1822.

274. How long did you serve in England after your return from India?—About two years.

275. Where were you in that time?—I was quartered at Manchester, and afterwards on coast duty.

276. Was there much corporal punishment in the regiment you served in during those two years?—In proportion to one of the regiments in which I have served in India, the corporal punishment was as nothing; but still there was a good deal of corporal punishment.

277. Have you served with the same regiment in this country with which you served in India?—No, with another regiment.

278. Are there any other means which you would think might be adopted for the purpose of inducing persons of a better class to enter the Army?—I think that, after a certain number of years, men should be entitled to their pensions. I think they were, formerly, after twenty-four years. Now, if a man is a good man, and if he is a person considered as desirable to serve, they retain him for a longer period.

279. Are you of opinion that soldiers in general wish for their discharge?—No, I certainly am of opinion that they do not.

280. Would not the expense to the country for pensions be exceedingly augmented if all men, after twenty-one years, for instance, had a claim for a pension?—I consider that it would be increased. I do not know in what proportion; that is a point which I think could not be very closely considered, if it tended to the good of the service.

281. You are aware that the infliction of corporal punishment has very much decreased of late years in the Army?—Yes, it certainly has; still I think there is nothing so injurious to the Army as the unsettled state of such a question as the present. With reference to the subjecting particular crimes to the punishment of flogging, I cannot say that any such regulation has ever struck me as advisable; for there are offences which, though not coming under any of the heads specified in the order, should, I think, be punished by the lash, if that mode of punishment be retained at all.

282. Are you at all aware of the effect of the order issued by the commander-in-chief, whether that has led to increased or diminished crime in the Army?—I have heard it stated in the House of Commons, and have no reason to doubt that statement, that crime has increased since the issuing of the order. But I must add that I do not think the increase of crime consequent upon the order; I attribute it to the present unsettled state of the question, which I conceive to be highly detrimental to the service. It therefore seems to me desirable that some definitive arrangement should be come to, in which all parties might be induced to concur, for the purpose of putting an end to agitation on the subject.

283. You are aware of this circular order of 24th August, 1833? [*The same being shown to the witness*].—I am.

284. The offences for which corporal punishment is to be inflicted are there detailed?—Yes.

285. Can you point out any part of that which you think leads to vagueness in respect to the offences?—Insubordination is a very vague expression. There is hardly any military offence which might not be brought under insubordination.

286. Insubordination must be a question of discipline, as referring to the conduct of an inferior towards his superior?—Yes, certainly; but, in that respect, any disobedience of orders, the least neglect of an order, would be insubordination. I think a man might be considered guilty of insubordination, without having used any degree of violence by which that was shown; in fact, without having committed a crime which it was necessary to visit with military flogging. I take it the offence I have mentioned just now, of getting out of barracks, might be put under insubordination.

287. Coupling insubordination with an object of that nature, it is not to be supposed that the officer would extend it to bring a man within the punishment?—I think, with this order in his hand, he might. An officer ought to be empowered to inflict punishment when deserved. As to this particular order, I do not think it restricts the power of flogging in any material degree. Indeed, I repeat that, if the punishment is to be restrained at all, I do not see how you are to specify the particular circumstances under which an officer is to inflict it.

288. Is there any other offence specified here which you think is open to the charge of vagueness?—I think not. It struck me that insubordination was very vague, but that the others were as specific as possible. "Drunkenness on duty" is very specific, and the "sale of, or making away with arms." There also the words "a disgraceful conduct," that received an explanation which I thought perfectly satisfactory,—that it was only to apply to those offences particularly specified under the Mutiny Act as disgraceful conduct.

289. Are you aware how crimes of this nature are punished in the French Army?—There are very severe punishments of many descriptions in the French Army,—the *travaux forcés*, working in chains, &c. There is one particular feature in the French Army, the *bataillon de discipline*, in which the use of the cane is, I believe, allowed. Indeed, there is no service that I know of, in which the lash, the cane, or some instrument of corporal punishment, is not employed in condemned regiments of the nature of the *bataillon de discipline*.

290. Are you aware that, in the Prussian service, though a man of the first class cannot be subjected to corporal punishment, he may be degraded to another class, and then receive this punishment?—I was not aware of that.

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291. You are aware that flogging is used as a punishment for civil offences?—Yes; but that is exactly the situation I would wish to take a soldier out of.

292. Are you aware that there is no such punishment as whipping in the Army of France?—I understand that the cane is employed in the *bataillon de discipline*, but not in any other corps.

293. Are you aware that by far the greater part of the punishments inflicted in the British Army arises from offences committed by soldiers in a state of drunkenness?—Yes; insubordination, insolence, and so forth, in nine cases out of ten, arise from drunkenness. On this point I should wish to mention a very salutary regulation of the French Army. Among us, non-commissioned officers and others are not sufficiently cautious about speaking to a man while under the influence of liquor. Now, in France, no one is allowed to speak a word to a man who is drunk, and whatever he himself may say is passed over.

294. With respect to the higher offences in the Army, which may be punished by death, and which are often punished by severe corporal punishment in lieu of death, what would you substitute in such cases as those for corporal punishment?—I think the punishment I have spoken of,—solitary confinement. We have the punishment of transportation already.

295. Can you speak, within your experience, to the effect of cutting down the punishment of death to solitary confinement, upon the individual, and upon the discipline of his regiment?—No, I cannot.

[*The witness withdrew.*]

*Sir Octavius Carey.*

Colonel *Sir Octavius Carey* was examined as follows:—

296. Are you still a regimental officer?—No: I am unattached.

297. What regiments have you served in?—I commanded the 57th regiment from the year 1818 to the year 1828.

298. Previously to that, where had you served?—I had served previously in the 3rd Dragoons, and in the 10th regiment. I commanded a corps of Calabrians in Spain, and served in the 52nd and 62nd regiments.

299. How many years service altogether have you seen?—I entered the Army in 1801.

300. Though you entered the Army in 1801, the only regiment you commanded was the 57th?—Yes, the only British regiment permanently. I have been in temporary command of the second battalion 10th, the second battalion 52nd, and the second battalion 62nd. I commanded a corps of Calabrians in Spain.

301. Those were entirely Calabrians?—Yes, except two or three officers. All the staff officers were English; but the non-commissioned and the company officers were all Calabrians. The corps was divided into divisions.

302. During the time you commanded the 57th regiment, did you endeavour to obviate the necessity of corporal punishment?—Yes, I did. I gave a good deal of attention to that, and succeeded in obviating it in a very great measure.

303. Not entirely?—Not entirely, because there were a few instances in which there was punishment. Corporal punishment is inflicted by the sentence of a court-martial. If the court persevere in awarding, the commanding officer must either pardon or inflict—he cannot change the sentence.

304. It was well known in the regiment, that, in certain cases, that punishment would be inflicted?—No: I do not think it was. I made a point to persuade the men as far as possible that I would not punish. The men always knew that I had the power of punishment; but the general principle on which I endeavoured to maintain discipline was, as much as possible, to persuade them that I would not punish,—that I did not like the punishment.

305. Do you think that the regiment was in a very efficient state of discipline?—There was a brigade at Chatham in the year 1824, at the time the regiment arrived from Ireland. The regiment was landed, and marched into the brigade. Sir Henry Torrens was then reviewing it. The Duke of York reviewed it the day after, and he was pleased to say he never saw a regiment in higher order.

306. You say there were some instances, however, of corporal punishment being inflicted; can you state the number?—I cannot precisely state what number at this distance of time.

307. For what description of offence?—I do not know that I can recollect that. It is seven or eight or ten years ago.

308. Taking an offence not of uncommon occurrence, drunkenness on guard, how did you punish that?—I should say, I very seldom punished. The sentence of the court martial was, that the man should be imprisoned, with or without hard labour. I think, in all the cases in which there were corporal punishments, it was attended with instances of insubordination towards a particular officer. The crime punished was insubordination—either that or theft. Drunkenness on duty was not a common offence.

309. When a soldier was sentenced to solitary confinement, in what manner was that sentence executed?—It depended entirely on circumstances. Occasionally we had the means of providing for it with the regiment. At other times he was sent to gaol.

310. You must have been in barracks when you provided for it in the regiment?—Yes, in fact we were always in barracks.

311. What was the nature of the solitary confinement to which the man was committed?—The man was put into a cell, and fed upon bread and water.

312. Without a sentry at the door?—Yes: there are very good cells in the barracks at Cork. They are so secured as to prevent communication with the men.

313. How many are there in the barrack at Cork?—I cannot charge my memory, but a considerable number.

*Sir Octavius Carey.*

314. You do not know what proportion to the number of men that can be quartered in the barrack?—No.

315. Are there many places in Great Britain, in which the conveniences for that punishment exist?—There are several. There are cells at Chatham, if I do not mistake, at Cork, and in Dublin.

316. When a man was sentenced by a court-martial to solitary confinement, was his sentence read in public?—All sentences are read in public, and he was marched off the parade to the place of confinement.

317. Did you find that an infliction of that punishment had the effect of checking the particular breaches of discipline to which it was applied?—I cannot say that I ever found that any species of punishment had that effect. I am not aware that any punishment has the effect of checking any particular crime; that has been my opinion throughout. I am convinced that corporal punishment has not had that effect.

318. Do you mean to check the crime in the individual?—No, I do not think that it has any effect upon the mass. I mean to say that it is perfectly indifferent what punishment is inflicted, so long as a man is punished; that it is a matter of indifference what it is, or what the extent of it may be.

319. You do not mean to say, that if a man commits mutiny, merely giving him a day's drill will have that effect?—No; but I mean to say that discipline depends but in a very slight degree on the quality or quantity of punishment. It rests in a much greater degree on the pains taken to prevent crime. There are very few men guilty of extreme crimes. The thing comes on gradually. If punishments were not inflicted at all, we should have all sorts of enormity, I have no doubt.

320. So that one day's drill, or shooting a man, would have the same effect?—That is an extreme. But I should say that solitary confinement, or flogging, comes to pretty much the same thing.

321. Do you think the disgrace attendant upon the punishment has no effect?—None whatever; I am quite certain of that. As to the fine feeling of the soldier who is punished, it does not exist.

322. Then what is the effect on the man himself? is he degraded in the eyes of his comrades?—Not in the least; it would depend, perhaps, upon the nature of the crime he had committed. It is vain to suppose he is degraded by punishment for crimes such as soldiers generally commit. I do not think he is degraded in the least.

323. Do you not think that well-behaved soldiers, who never have been tried, are held in higher estimation than those who have been tried?—Yes, decidedly: but I do not think that an inference can be drawn from that, that a soldier is disgraced among his comrades by being punished. I have known soldiers who have been punished held in very high estimation among their comrades.

324. That is not one of your reasons for wishing to get rid of the punishment?—No, I do not believe in that at all. My principal reason for wishing to get rid of the punishment is, that as long as it remains upon the statutes and forms a part of the military code, it must be inflicted; and that we should do better without it.

325. If it does not degrade the individual, it must act as a considerable example?—I do not think it does. We can only reason from analogy. The best argument is, that you have been flogging in the Army ever since the Army has existed, and the more you flogged the more you have to flog.

326. It has been restricted?—Yes; and the more it was restricted, the less necessity there was for inflicting it.

327. Would not that rather prove that the constant infliction of corporal punishment did exercise a brutalizing effect upon the men?—That has been always my opinion. It renders them indifferent to the punishment. Generally speaking, those who are punished are men of bad character, and previously depraved.

328. Do you think the infliction of any punishment whatever has an effect by way of example?—Perhaps death may. I do not think any one other particular punishment has more than another.

329. Do you hold the same opinions with regard to other punishments not military, and applied to persons not military?—In a great measure I do, with the same description of persons. I conceive that offences are committed in proportion to the degree of license permitted to the soldier. Good men are restrained from crime for the sake of their character—bad men by constant watching. It is by the fear of detection, not the quantity or quality of punishment, that discipline is maintained.

330. And that punishments are quite inefficient by way of preventing crime, except that of death?—That is my opinion; it may be a very erroneous one. But looking at the numberless instances of flogging and of imprisonment, and the quantity of crime still committed, I cannot believe these punishments prevent crime; and I know of none that would, in a military point of view. I would have the officer identify himself with the feelings and interest of the soldier, administer justice with strict impartiality, and then I am confident he would succeed in maintaining order, however he might deal with crime.

331. Still you think that if punishments were not inflicted in the Army, discipline would be relaxed?—I have no doubt that the way to preserve discipline in the Army, is by a constant knowledge of every offence committed, and by punishing it in one way or another. There must be a strong line drawn between the good and the bad. I believe that the Army would be kept in better order by minor punishments executed certainly and promptly; and that by this means the necessity for courts-martial and the larger punishments would be lessened.

I do not at all advocate the putting aside punishment, or the neglecting discipline, but far from it. *Sir Octavius Carey.*

332. With respect to an Army in the field, and on service in a foreign country, how would you apply the punishment of solitary confinement?—I think it impossible to apply the punishment of solitary confinement, and that it is difficult to say what could be substituted for corporal punishment in such a case. I would allow corporal punishment by drum-head court martial, or provost marshal, but by no other. The punishment would then be instantaneous.

333. Taking the case of some of our colonies, where there are small detachments from regiments very often, do you think it possible, in those cases, that solitary confinement should be substituted for corporal punishment?—I do not see why it should not. Certainly, in the Mediterranean, there is no reason why solitary confinement should not be substituted for corporal punishment.

334. In the Mediterranean there are but Gibraltar, Corfu, and Malta, in which there are barracks, with detachments in the smaller islands?—Yes, but where there are small detachments, the subaltern cannot inflict corporal punishments.

335. In those stations in the Mediterranean, you think there would be no difficulty in inflicting solitary imprisonment instead of corporal punishment?—None whatever. But I think that the necessity for corporal punishments would be done away with very much by defining and extending the power of commanding officers with regard to minor punishments.

336. Would you give a commanding officer the power to confine a man eight or ten days without court-martial?—Yes; I think that many courts martial would be avoided. I would give the commanding officer more authority, defining the punishments I left in his hands, and taking great care he did not exceed them.

337. Have you seen the Circular of August, 1833 [*the same being shown to the witness*]; are the punishments defined there with sufficient accuracy for the purpose you refer to?—This merely relates to corporal punishment. As far as I can understand this, there is nothing said about minor punishments; but there is authority to inflict corporal punishments for certain offences which, in fact, include every thing a soldier can be guilty of. I would leave the minor punishments, such as confinement to barracks, black hole, dry room, shutting up a man on bread and water who sells his necessaries until such time as the stoppages from his pay shall be sufficient to make good the loss,—all this I would leave in the hands of the commanding officer, and perhaps some others.

338. But you would limit the number of days?—No; I would leave that entirely to the commanding officer's discretion, making him responsible that he should not abuse the power with which he would thus become invested.

339. Would you leave it open to him to inflict imprisonment for twelve months?—No; I think there is no fear of his giving that length of imprisonment; but I believe that the great mischief now is, the want of power of a commanding officer to inflict minor summary punishments. I would leave it open to the soldier to make his complaints, and those should be minutely inquired into.

340. Have you had an opportunity of seeing the effect of the confinement of soldiers in county gaols?—Certainly, I have had a good deal.

341. What effect has it?—I do not think it makes the men worse, for you cannot make that description of men worse than they are. There is nothing can be worse than the material of which the Army is composed. I do not mean that they are all bad men, but that a great proportion of them are taken from the worst ranks. They enlist from necessity only, and among them there must naturally be many bad characters.

342. Have you ever thought of a mode of filling the ranks of the Army with a better description of men?—No; that is a thing which nothing but time and experience can effect. Very probably the doing away with corporal punishment might have an effect, and very likely the giving them rewards for good conduct might have an effect.

343. If there were a set of men who were creating disorder in the regiment, would you think it desirable to get rid of them?—Not without transportation.

344. In point of fact a soldier spends fifteen years out of every twenty of his service in the Army in foreign countries?—That is in a very different capacity from a man who is transported.

345. It is not the mere fact of his being sent out of the country?—In one instance he is kept at work as a felon.

346. Are you aware that when convicts arrive in New South Wales, they are often allowed a ticket of leave?—Yes, I am aware there are exceptions.

347. Are you aware that every man of tolerable character is allowed a ticket of leave?—That rests with the governor of the Colony, I apprehend; and I should think an exception might be made as to soldiers, who must have been transported for serious military offences.

348. Does not the circumstance of so much of the soldier's time being actually spent out of his own country diminish the effect of the sentence of transportation?—No; because, though he spends it out of the country, the soldier's home is his regiment. Many have no other home; they are entirely among their friends there.

349. What are the particular rewards you would hold out previously to enlisting?—I think distinction in the Army for good conduct would be an inducement,—either a medal, or any thing else; that is a matter for consideration. After a certain time, a pension, or an increase of pension.

350. There is now a medal, and a gratuity in addition, in certain events?—The question may be whether there should be an increase of those.

351. You say you endeavoured to diminish punishment in the regiment you commanded; was your object principally to diminish corporal punishment?—Entirely, nothing but corporal punishment.

*Sir Octavius Carey.*

352. Did you find you could do that?—I should say I succeeded as nearly as a man could succeed, having the punishment on the statute; and the experiment was tried in Ireland with a regiment very much scattered, that had previously been accustomed to much corporal punishment.

353. You think you succeeded as well as if you had not had the power of inflicting corporal punishment?—No; I think if I had not had the power, I should have succeeded very much better. For an officer cannot carry on discipline unless he persuades his officers and non-commissioned officers under him, that they are supported; and he cannot do that unless he puts the extreme penalty of the law in force, particularly when a court martial persists in awarding such sentence. If you try a man by court martial, and sentence him to corporal punishment, it must be inflicted, or you must pardon; you cannot change.

354. Then you would have the whole power of punishment vested in the commanding officer?—Not at all. I would have every crime which the commanding officer thought deserving of a more severe punishment than he could properly inflict, submitted to the judgment of a regimental court martial, which should be empowered to take cognizance of all crimes, however aggravated, or to a general court martial; but the punishments for minor offences I would put at the discretion of the commanding officer.

355. How does the court martial, having the power of sentencing a man to be corporally punished, have the effect you state, that many officers look to it as a punishment which ought to be inflicted?—The officers expect it.

356. Supposing the other punishment of solitary confinement was substituted for the punishment of flogging, would that enable you to conduct your regiment, with regard to minor punishments, better than as the matter now stands, with the power of inflicting corporal punishment?—No; what I say is, that we are now obliged to bring men before a court martial that we should not be obliged to bring forward, had the commanding officer more left to his discretion.

357. You wish to have more power placed in the hands of commanding officers?—Yes, and for the purpose of avoiding courts martial.

358. You do not mean to say there should not be some punishment which can be inflicted only by a court martial?—Far from it. Imprisonment, with or without hard labour, solitary confinement on bread and water, with forfeiture of pay, and various others, are left to courts martial; black hole, dry room, pack drill, confinement to barracks, and bread and water, to make good the loss of regimental appointments, &c., I would alone leave to the commanding officer.

359. Why do you prefer solitary confinement to corporal punishment?—Because it is a disgusting punishment, and does no good; and my opinion is, that it does mischief. Besides, at the present moment, all the country is crying out against it. The public mind is irritated against it.

360. What is the use of solitary confinement, if that is not to have the effect of example upon others?—You must punish in some way or other.

361. Is the punishment to be for the reform of the individual, or for an example to the others?—It is intended for both purposes; how it may act is another matter.

362. Your opinion is, that they neither of them succeed in point of example?—I do not think they do; but I do not, for that reason, advocate the doing away with punishments, either in the Army or civil life.

363. You mean to say, there are cases where a prompt and severe example is necessary for the preservation of discipline?—Yes.

364. What would you do in that case?—I would, in such case, try a man by a general court martial.

365. What would you do if you had any case of insubordination which must be immediately put down?—I do not think that a punishment on the spot, in such a case as that referred to, is more effectual than that inflicted by a court martial. It seldom happens that there is a necessity for immediate punishment.

366. It is your opinion that there must be some court, or some power, for awarding a more severe punishment than that which can be safely trusted in the hands of the commanding officer?—Decidedly.

367. Whether that punishment should be corporal punishment, or solitary confinement with hard labour, appears to you in point of example to be very immaterial?—Very immaterial; I prefer solitary confinement, or imprisonment with hard labour.

368. The principal reason why you object to the continuance of corporal punishment is, that there is a feeling against it existing in the country, as too severe a mode?—Yes; my opinion is, that it is quite proved by experience to have failed in its purpose, and therefore there can be no reason for keeping it up.

369. You think that every other species of punishment, except death, has failed in its effect?—Yes, or we ought to have little or no crime left. But I do not think that that is a reason for doing away with all punishment. Corporal punishment is a very disgusting punishment.

370. You are aware that it exists in the civil code of the country?—Yes, but unless good can be effected by its preservation, I think it should be done away.

371. What will you substitute for corporal punishment?—I would extend the power of the commanding officer, and leave the power of courts martial as it is now, taking away the corporal punishment.

372. What would you do with men on service?—I should be rather inclined to leave them on service liable to it, if there is no objection to subjecting men in such situations to more severe punishment than they are liable to at home.

373. There is an objection to its remaining on the part of some?—I do not see how that

can be obviated in actual service in the field: but I do not see any reason why it should not be left to the discretion of the general commanding on the actual service, to proclaim the power, when he felt a necessity for its infliction. *Sir Octavius Carey.*

374. You would leave the power in the commanding officer to proclaim it?—Yes, in the officer commanding in chief; and I would leave the power in the hands of the King, to proclaim it in this country, and resort to it if he saw fit; but that it should not be resorted to until he had so done.

375. Is not that placing His Majesty, or the commanders of the Army, in a very unpleasant situation?—I think not; for neither His Majesty, nor the commander of an Army in the field, would do it without urgent necessity; and, where an urgent necessity exists, no person, in or out of the Army, would be found to cavil at it.

376. That arises from your uncertainty whether corporal punishment can be dispensed with?—There is no doubt that it is an experiment. I defy any man to say how it will answer either here or abroad. But I feel so confident of its success, that I should have no hesitation in making the trial with any set of men, or in any country.

377. How would you deal with mutiny, when it occurred in a regiment at home?—It might be tried by a general court martial, with the same power it has now, with the exception of corporal punishment. The system now going on never can answer, in my opinion: if members of the House of Commons are to get up and make the speeches they do, it is enough to throw the whole Army into confusion.

378. In an instance where a part of the regiment on parade disobeyed, and all stood still, what must be done?—Then, I suppose, you must shoot one of them on the spot. The commanding officer, I apprehend, must shoot one of them himself. No man can say how he would act in cases of emergency, till the difficulty arises. The impression on my mind is, at present, that I would not hesitate, in such a case, to take all the responsibility on myself.

379. One of your principal reasons for thinking corporal punishment should be abolished, is the state into which that question has got, and the agitation of it in the House of Commons?—Yes, that is my impression. My own opinion is, that that is a positive reason of itself. The question must be put at rest one way or another. The agitation of the question will tend to disorganize the Army, if it continues.

[*The witness withdrew.*]

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*Tuesday, 24th March,* 1835.

The Right Hon. Lord WHARNCLIFFE in the Chair.

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Lieutenant-General Lord *Edward Somerset,* G.C.B., was examined.

380. You are a lieutenant-general in the Army?—I am. *Lord E. Somerset.*

381. In what department of the service have you served?—In the cavalry, as a regimental and general officer.

382. How long is it since you first entered the army?—The 4th of February, 1793, was the date of my first commission.

383. How much of that time have you served as a regimental officer?—Till I became a major-general in 1813, with the exception of some interval upon the staff.

384. Have you had the command of more than one cavalry regiment?—No.

385. What regiment was that?—The 4th dragoons.

386. You also served with the cavalry in the field?—Yes.

387. In the Peninsula, and at Waterloo?—I did.

388. Have you ever turned your mind to the punishments in the Army?—Certainly; my situation as commanding officer of a regiment for many years naturally directed my attention to that important part of the military discipline.

389. You are aware that objections have been stated to the use of corporal punishment in the Army?—I am.

390. Has your mind ever suggested to itself the substitution of any other punishment for that?—I have always considered that as a very important question. I was at all times anxious, in carrying on regimental duty, to have recourse to corporal punishment as little as circumstances would permit. At the time I was a regimental officer the public attention had not been drawn so materially to that subject as it has been since; but, nevertheless, I always felt anxious to avoid it, if I could carry on discipline without it; but I have never been able to discover any other effectual means of punishment, such as could be brought into practical use in all circumstances of the service, both at home and abroad, in cases of notorious irregularities that required severe examples to repress them.

391. Is that feeling, with regard to corporal punishment, founded on its efficacy as an example to the other soldiers, or to its reform of the individual himself?—The first object must be to effect an example, which will prevent other soldiers committing like irregularities; but I think it is also effectual, in many cases, in regard to reforming the individual himself.

392. Do you speak of it also with reference to its being inflicted more recently after the offence being committed than any other punishment can be?—I think, from that circumstance, the effect will be more imposing, as following the crime, and being more public than any other punishment.

393. You are aware that a system of solitary confinement has been suggested, in order to enable the commander-in-chief to do away with corporal punishment?—I am.

*Lord E. Somerset.*

394. What is your opinion with respect to the introduction of that punishment in the place of corporal punishment?—Since it has been adopted to the extent it has at present, I have had but little concern with regimental discipline; but, at the same time, it has been a subject which has naturally presented itself to my mind. I have considered that there are objections to it in some points of view, but principally with regard to a state of active service in the field.

395. You are aware how it is carried on now, namely, by sending the person convicted by a court martial to one of the county prisons?—I am.

396. Have you had any opportunity of seeing the effect of so dealing with persons convicted of a military offence?—I cannot say that I have of late years.

397. Are you of opinion that confinement in the county prison, and consequent association with such persons as are usually confined there, would be detrimental to the character of the soldier, and to his future conduct, in respect of discipline?—I conceive that association with criminals must be at all times detrimental to the feelings and principles of an individual confined with them.

398. You cannot speak from personal knowledge to the effect of it upon men of any regiment?—Not having been employed regimentally, or upon the staff, for several years past, I cannot speak to the actual effect, as the system has been introduced since that time.

399. Are you at all aware whether, in the regiment of which you are colonel, instances of drunkenness or insubordination have become more frequent since the alteration with respect to corporal punishments was made, than they were before?—I have not received any particular report upon that subject from the lieutenant-colonel.

400. With respect to the Army in the field, supposing corporal punishment to be entirely abolished, how would it be possible to repress irregularities that are now punished in that way?—I am really at a loss to understand in what way such irregularities could be repressed. An officer accustomed to active service in the field is aware that there are no means, generally speaking, of having recourse to solitary confinement or imprisonment, such as can be practised at home.

401. Supposing an order to have been issued totally doing away with corporal punishment, and that such punishment was not permitted when an army was in the field, how would it be possible to inflict upon the offender the punishment of solitary imprisonment?—In many cases it would be totally impossible; troops in a campaign do not enter a village for days, or perhaps weeks, together; and in a bivouac or an encampment, the mode of carrying it into effect appears to be impracticable.

402. Supposing then a soldier to commit an act of insubordination, and to be brought to a court martial, either drum-head or otherwise, the Army being in the field, and that by that court martial he is sentenced to solitary imprisonment, is it your opinion that that sentence could be effectually executed?—In many situations of the troops it would be impossible.

403. When you say in many situations, in what situations, still supposing the Army to be in the field, do you conceive it would be possible?—If the Army were stationary for a short space of time, if, instead of being entirely in bivouac, or in encampment, they were in cantonments, or there should be any buildings that would offer a convenience for confining the individual.

404. You mean to apply that term to towns, or places of that description, where there are buildings for the confinement of prisoners?—Certainly.

405. An Army, even in cantonments, must frequently be in places where there could be no convenience for confining persons solitarily?—I conceive that would frequently happen; but if they were stationary they might be able to get possession of a room which they might apply to that purpose.

406. But when bivouacking, and on active service, there would be no other means of confining the prisoner but in a tent?—A tent or hut.

407. Then that prisoner, in order to ensure his being kept solitary and apart, must have some guard over him?—Unquestionably.

408. Therefore a certain number of men would be taken from active service, to take care that this person was so kept in solitary confinement?—I conceive so.

409. Are you of opinion that, if such was the case, the rest of the regiment or company to which that man belonged would complain that those men were withdrawn from active service while they were so employed?—I conceive the circumstance of solitary confinement, of itself, must remove the individual from duty for the length of time he is so confined; and, if an additional number of men were employed as a guard on that man, that must of course impose a severer duty upon the rest.

410. Are you at all aware that the men do, under such circumstances, complain of persons being withdrawn from duty?—I have no knowledge of a circumstance of that kind, from not having been regimentally employed of late.

411. For what offence is a soldier committed to the custody of the provost-marshal when an army is in the field?—For acts of depredation or plunder, and frequently drunkenness. If the provost-marshal finds soldiers straggling in a state of drunkenness, or in a state of irregularity, he would take them into custody, and frequently inflict corporal punishment.

412. Does the provost-marshal inflict punishment of his own authority, without the intervention of a court martial?—I believe he does.

413. When the provost-marshal takes into his custody a person guilty of such an offence as must necessarily lead to a court martial, how is that prisoner kept in confinement?—The provost-marshal has always attached to him certain individuals to take delinquents into custody.

414. They have charge of those delinquents till they are tried?—They have. He has a certain guard called the "provost guard."

415. Has he any carts or waggons, or anything of that kind, upon his establishment, for the

purpose of conveying prisoners and confining them?—He had not, to the best of my recollection, in the Peninsula. *Lord E. Somerset.*

416. Have you ever served in the colonies at all?—Never.

417. Have you ever served in Ireland?—Not regimentally.

418. You are not aware whether in Ireland the Army is any where quartered in small detachments?—I cannot speak as to my own personal knowledge of that.

419. In England, the Army generally is quartered by regiments?—Generally with detachments.

420. So that a system of punishment by solitary imprisonment might be more easily established in England than elsewhere?—Much more easily in England, for it seldom happens but that the head-quarters of the regiment are stationed in a barrack.

421. Are you of opinion that, in the way of example, the punishment of solitary confinement will have the same effect upon the soldiers as the infliction of corporal punishment, with all the ceremony with which it is attended now?—It has always occurred to me that it would not have so powerful an effect as an example.

422. When once a soldier has been corporally punished, have you occasion to observe that he is degraded in the eyes of his companions?—I have known many instances of men, after having suffered corporal punishment, becoming very good soldiers; and, in that respect, I conceive they do away with the effect of the degradation.

423. There are instances, however, in which a soldier, having been once punished, the necessity of again recurring to that punishment occurs?—I have seen instances of that.

424. In such instances are you at all aware of the feelings his companions have towards him?—His companions, I have no doubt, are fully aware that he is a very bad soldier.

425. Have you ever known instances in which a man, once punished, has hereafter become a non-commissioned officer?—Yes, I have.

426. Upon the whole, then, are you of opinion that corporal punishment has the effect of degrading a soldier in the eyes of his fellow soldiers?—I think it is natural it should have that effect to a certain degree; all punishments must lower the character of the individual who suffers them.

427. Are you of opinion that a man's undergoing the sentence of solitary confinement, for an offence of the like nature, would be less degrading in the eyes of his companions?—I should think it would be.

428. Have you ever considered the subject of orders of merit, or rewards, as an inducement to the enlistment of a better class of people into the Army?—It is difficult to say whether it would induce a better class to enter the Army; but I conceive it would certainly have a very good effect upon the regiment generally.

429. In asking that question, the Commissioners allude to an order of merit extending to the very lowest rank in the Army?—It is difficult to say what effect it might have with regard to inducing men to enlist. Men enlist from a variety of circumstances at the moment; but it certainly must be calculated to have a very good effect upon a corps by producing feelings of emulation.

430. It would tend to produce good soldiers?—I should think so.

431. Supposing these means to be used, and that solitary confinement was substituted for corporal punishment, are you of opinion that a state of discipline equal to the present might be kept up in the Army?—To a great extent, possibly it might; but particular circumstances might occur where prompt example was necessary; and, more particularly, those instances might occur on foreign service.

432. Then the result of your opinion is, that all these things might be made use of for the purpose of diminishing, as far as possible, the infliction of corporal punishment, but that they are not sufficient to prevent the necessity of it altogether?—I am of opinion that they are not sufficient to effect the total abandonment of it at home and abroad.

433. Do you think, that, flogging being a more disgraceful punishment than imprisonment, if there were any means of establishing imprisonment in lieu of flogging, that would be most desirable?—There would be still the same objections where prompt example became necessary, and particularly on active service in the field.

434. The question refers to home service; would not the example be as prompt after trial by court martial, and the punishment follow as soon, upon the sentence of the court martial, as the punishment of flogging?—The punishment might follow as promptly, but still I must consider that there is no good public exhibition to affect the minds of the rest of the corps.

435. Do you think that the system of imprisonment, as a substitute for corporal punishment, has ever been sufficiently tried at home, to enable us to judge whether it might not be thus substituted for corporal punishment?—It has been practised for some years at home; but I must say, not having been employed on the staff as an inspector of a regiment, or a regimental officer since the system has been brought into full effect, I am not able to speak from my own knowledge.

436. Are there the means of putting the sentence of solitary imprisonment, in lieu of corporal punishment, into execution, in most situations?—I believe, in many situations, in most of the barracks it might be effected.

437. And on foreign service, in garrisons and cantonments, there might be the same means?—In garrisons and cantonments it might be practised, and in a great part of active service in the field.

438. Your lordship's opinion is, that, in the field and on active service, it would be impossible to keep up the discipline as it ought to be without the power of inflicting corporal punishment?—In the course of the service in the Peninsula, there were instances in which regiments did not go into a town for weeks together, I might say months.

*Lord E. Somerset.*

439. Do you think there are any means of obtaining a better class of men independently of giving rewards to persons who have conducted themselves well?—I conceive that the soldier is at present remarkably well off in his pay, and in his rations; and that it must be a great inducement to a man in the lower class to enter; and the circumstances which have been referred to, of rewards for merit and good conduct, must, if publicly known, have a good effect.

440. Do you think that, after a stated time of service, giving pensions to soldiers would be a means of obtaining a better description of men?—I conceive that system is already in force; after a certain period a discharged soldier is entitled to a pension.

441. That is not on so liberal a scale as it was?—It is not.

442. If they choose to retire from the Army after a certain number of years are they entitled to a pension?—They are not, except under certain regulations which are established: a certain service.

443. There was a period when a soldier was entitled to a pension for a certain number of years' service?—If he was discharged. The first Pension Act, I believe, was brought in by Mr. Windham, which was on rather a lavish establishment.

444. At that time a man was entitled to a pension after having served a certain number of years?—Yes, even if he was discharged on reduction, though not unfit for service, according to the provisions of that Act, which are rather intricate.

445. After what number of years was that?—There were three periods of service established. If a man was discharged after seven years he was not entitled to a pension, but he was a registered man, under which registry he was liable to be called on to serve when required; and, if not so called on, the double absent time counted so as to entitle him to a pension.

446. That was after he was on the pension list?—Yes; if a man was discharged at the end of ten years in the cavalry he would not be entitled to a pension, but would be registered for service, and at the end of eight years from that time he would be entitled to a pension of fivepence a-day.

447. How long did that regulation continue?—Speaking from recollection, I think till the year 1818.

448. Is your lordship of opinion that the pay and allowance, and advantages attending on the state of a soldier, put him in a better situation than a common labourer in this country?—I certainly do.

449. Is your lordship enabled to say from what cause it is that a better description of soldiers is not procured for the service than is procured?—I should attribute it perhaps to the various inducements which may lead men, who are not entirely of good disposition or good character, to enlist, from difficulties or irregularities that may have occurred,—various motives which induce men of indifferent character to enlist.

450. The persons are generally of low description?—There are men in good station of life that sometimes enlist. There are many men who are, of course, of a low class; but there are many men also from the agricultural districts who enlist young, whose families are in a good situation of the labouring classes.

451. Do you confine that to the cavalry service?—I know more of the cavalry service than of the other.

452. The cavalry are men of a better description generally?—Yes, I should conceive they are. They are exempted from colonial service, and their employment is considered preferable.

453. Are you aware that corporal punishment is entirely done away with in the French Army?—I am not.

454. As the Commission is informed that corporal punishment is done away with in the French Army, do you know how the French Army deal with persons committing those offences upon actual service which we punish with the lash?—I cannot say that I am well informed upon that subject. I have heard it asserted that there is recourse more frequently to the punishment of death than there is in our Army.

455. Since you entered the Army has the practice of corporal punishment increased or decreased?—It has very considerably decreased.

456. Has it decreased more particularly within the last few years?—I think it was about the year 1812, to the best of my recollection, that the Duke of York issued an order recommending it to be adopted as seldom as circumstances would admit, and it was about that time that the Duke of York limited the sentence of a regimental court martial to three hundred lashes.

457. Since that it has been still further reduced?—Yes, there have been other alterations made, and more strict injunctions given as to the infliction of corporal punishment.

458. Have you, in the course of the different commands you have been placed in, ever had occasion to see a regiment in which corporal punishment has been entirely dispensed with?—I have not.

459. You have been accustomed, in the course of your duty, to make half-yearly inspections?—Frequently. I was first of all in command of a brigade on foreign service for some years, and I was for six years the inspecting general officer of cavalry.

460. Is there not a particular instruction to general officers on the staff to state, in the confidential report they are obliged to make, whether, in the different corps that are under their command, every effort is made, and step taken, to substitute other punishments for corporal punishment?—I do not recollect that that order was in force at the time I ceased to be on the staff as a major-general, which was ten years ago.

[*The witness withdrew.*]

General Sir *Henry Fane*, G. C. B., was examined as follows :—

*Sir H. Fane.*

461. You are a general in the Army?—I am a general by brevet.

462. How long have you been in the service?—I entered the service in the year 1793.

463. How long did you continue to serve as a regimental officer?—I served as a regimental officer in the 4th regiment of dragoon guards from 1794. I was captain-lieutenant (a rank not now known), captain, major, and lieutenant-colonel, in the 4th regiment of dragoon guards. I afterwards was removed from the 4th regiment of dragoon guards to the 1st dragoon guards, in which I continued a regimental officer until I was appointed a brigadier-general, and sent abroad.

464. Your service has been confined to the cavalry?—As a *regimental* officer.

465. After you were appointed to a brigade, was it a brigade of cavalry or a brigade of infantry you commanded?—During the campaign in Portugal, in 1808, and subsequently during the advance to Salamanca in Spain, and the retreat of the Army through Gallicia in 1809, I commanded brigades of infantry. In the first instance I commanded the light troops, forming the advanced guard of the Duke of Wellington's Army, and at the battles of Roliea and Vimiera; and after the treaty of Cintra, the Army having been dislocated, I was appointed to a brigade of infantry of the line, with which I marched through Portugal to Salamanca in Spain; and, subsequently, with Sir John Moore, on the retreat through Gallicia, and at the battle of Corunna. Since that time my commands have been confined to the cavalry. I commanded the cavalry of the British contingent during the occupation of France in 1817—1818.

466. The period of your commanding a cavalry regiment was spent in England, and not on actual service?—In England, Scotland, and Ireland.

467. Since your entering into the Army has the infliction of corporal punishment increased or decreased in frequency?—I ceased to be a commanding officer of a regiment in the year 1808. I was then appointed brigadier, and subsequent to that period I have had little or no opportunity of contrasting the practice in the one case or the other; but I should say it has diminished.

468. You are aware of a certain circular of 24th August, 1833, respecting corporal punishments?—Such a letter was communicated to the colonels of regiments, and in the course of that circulation came to me.

469. Are you aware of any restrictions on corporal punishments by an order of the Duke of York in 1812, or recommendations to the commanding officers of regiments upon that subject?—I have no recollection of such an order in the year 1812. In that year I must have been at home ill; I was so during one year of the Peninsular war, and under a severe fever, and I think that was the year.

470. You have no recollection of the periods of any particular orders upon that subject?—I have not.

471. During the period in which you were attached to a regiment, you are not aware of any alteration in the frequency of corporal punishments?—I have no recollection that there was. I will add, that there was a practice in regiments of dragoons (I believe it was confined in a certain degree to dragoons)—the inflicting a punishment which was called "*picketting*." At a certain period, but the date of that I cannot bring to my recollection, not having thought upon the subject, there was an order which put an end to that practice. It was used for slight offences, such as drunkenness, and crimes of that sort, as an immediate punishment, and it was looked on in not so disgraceful a light as flogging was.

472. You have of course heard that it has been suggested that corporal punishment might be dispensed with in the Army, and solitary confinement adopted in lieu of it?—I have.

473. Will you have the goodness to state to the Commission what your opinion is of such a change?—I will confine my remarks to the service to which I more especially belonged,—namely, the dragoons. I deem that alteration, in the dragoon service, to be very often a matter of extreme inconvenience, and of hardship, upon the best soldiers that we have in our regiments. The manner in which it operates is this; under the present circumstances of the dragoon service, it happens that a dragoon almost always has two horses to take care of. A man is sentenced for a crime to six weeks' solitary confinement,—what becomes of his horse, his arms, and appointments, while he is confined? Another dragoon, who has been guilty of no offence, is compelled to take care of the horses, and the other articles belonging to the bad soldier, who is so placed in confinement: so that the confinement of the culprit is a punishment on the good soldier, and deprives him of the leisure for amusement which would otherwise be at his command.

474. Supposing that culprit to have received one hundred and fifty lashes in lieu of six weeks' solitary confinement, how long would he have been kept from the duty of looking after his horse by the effect of that punishment?—That is so much a surgical question, that I should be at a loss to answer it with any degree of satisfaction to the Commissioners; because the effect of corporal punishment depends very much upon the constitution of the man upon whom it is inflicted; but I should say, probably one hundred and fifty lashes would be an affair from which a man would be returned to his duty in ten days or a fortnight: whereas, the other way, his duty is cast upon the good dragoon for six weeks.

475. The difference is, that the good dragoon would have the duty cast upon him for six weeks in the one case, and a fortnight in the other?—Yes: but then I must add, the increased frequency of that infliction; for I conceive the worst characters in a regiment think very little of six weeks' imprisonment, and for what they call a *a lark*, or anything of that kind, would

*Sir H. Fane.*

place themselves in danger of it ; whereas many would not do so if they feared corporal punishment.

476. You are aware that the infliction of a proportionate number of lashes is a more severe punishment than solitary confinement can be made?—No doubt in many cases it is.

477. Are you of opinion that corporal punishment is a punishment carrying with it more of example to those who witness it than the mere imprisonment of a person in solitary confinement?—My opinion undoubtedly is so : but I should conceive the experience of regimental officers, since the change which has taken place in these proceedings, would render their testimony much more valuable than any I can give to the Board upon that subject.

478. In the barracks in the United Kingdom, are there means at present for the proper infliction of the punishment of solitary confinement?—Certainly not, to the extent requisite. In the situation I formerly filled in the Ordnance, I had an opportunity of knowing that an estimate was made out to determine what expenditure would be requisite to meet the case of an increased quantity of solitary confinement, and I know that the estimate was one of very considerable amount.

479. If it should be decided entirely to do away with corporal punishment within the United Kingdom, and to substitute solitary imprisonment for it, you conceive that great expense must be in the first instance incurred?—From the circumstance I mentioned I know that it is so.

480. And of course some time must elapse before it could be carried into execution?—Necessarily, if the plan is followed that was proposed at the time I was Surveyor-general of the Ordnance.

481. You have spoken of the inconvenience to a good dragoon, arising from the confinement of the culprit; would it be possible to compensate the good dragoon for his additional work by transferring to him the pay of the bad one, when he was in confinement?—No doubt that would serve as a certain compensation, but it would depend upon every man's own feelings what the degree of that compensation would amount to. One man may be very well pleased, if he has a wife and children, to receive a certain sum of money for the work he does: —another, a gay, smart young man, who likes to take his walk in the evening and amuse himself (as we know that smart soldiers do), to him it would be no compensation.

482. Do you believe that, supposing such a transfer to be the rule, it would create any bad feeling among the soldiers, from the inequality of their pay?—I should think not: it would be deemed a punishment on the culprit, and a payment to the individual who did his duty.

483. Have you ever considered the effect of an order of merit, extending to the very lowest ranks in the Army, as an inducement to a better class of persons entering the Army?—The institution of an order of merit, to be conferred for distinguished services, has generally been thought, by officers whose opinions were worth considering, to be a desirable object. But the Commissioners must be aware how difficult it is to restrict that within the due and proper line. And as to its inducing a better description of persons to enter the service as private soldiers, I should doubt that very much. It is a sort of reward that an old soldier would prize very much; but, as an original inducement, I do not think it would have any weight.

484. You think it might be the means of enforcing discipline, but not of inducing the enlistment of a better class of persons?—Not the latter certainly.

485. As to pensions, do you think the certainty of a pension, after a certain number of years' service, would have the effect referred to?—No doubt; whatever advantage is held out to the soldier must be an additional inducement to individuals to enter the service; at the same time I should like to guard what I say, by pointing out that a soldier's pension is, by the operation of the poor laws, actually made useless to him in very many cases.

486. You have been questioned with respect to the effect of the alteration of the punishment in the Army from corporal punishment to solitary confinement in garrisons at home; do you conceive that an alteration of that kind could be effected when the Army is in the field, and that the discipline of the Army could be kept up?—It must be utterly impracticable. I think my brother officers, who are members of this Commission, will all agree with me in that statement. I will put a case as an example :—It chanced that I was ordered to conduct from Thoulouse, after the battle of Thoulouse, to Boulogne and to Calais, the whole of the cavalry, some artillery, and the *matériel* of the Duke of Wellington's army. I marched them in two columns through France, and embarked them at Boulogne and Calais. By the power of maintaining discipline which I had in my hands, I was enabled so to conduct them as to receive so much of the approbation of the French government as to be offered as a distinction the order of the legion of honour. I will ask any member of the Commission, how I could have conducted those two columns, had the power of inflicting corporal punishment, if necessary, been taken out of my hands, and the power of solitary confinement only substituted in lieu of it.

487. In point of fact you could not?—That is my opinion.

488. Supposing solitary confinement had been the only punishment allowed, how would you have proceeded, upon your line of march through France, to put that into execution?—I should have found it to be utterly impracticable.

489. Would the utmost you could have done have been to conduct the prisoner into some tent or some hut?—The utmost I could have done would have been to march the culprits under a guard, from station to station, and, at the termination of the day's march, to have found the means of placing them in solitary confinement, and so to have placed them with a sufficient guard over them.

490. Are there occasions on actual service where it would be impossible to find a building

in which to confine them?—No doubt; an Army in bivouac, for example: buildings are much too scarce to be made use of for places of solitary confinement.

491. Upon the march of which you have spoken had you occasion to have recourse to corporal punishment at all, or frequently?—The Army was in that state of discipline, that it does not occur to my memory that I had occasion to inflict one corporal punishment upon that march. What might have been done regimentally I cannot undertake to say, but I have no recollection of having given an order to lead to that result. I gave out an order when I arrived at Calais or Boulogne, thanking the troops for their good conduct, and pointing out that there was only one offence committed during that march, which the French authorities thought necessary to bring before me. There was one robbery committed, which was the only serious offence, with two very large columns of troops.

492. What was the number of men?—I cannot undertake now to say. There were ten or twelve regiments of dragoons, and horse artillery, and *matériel* of the Army, such as waggon-train, &c.

493. What was done with the person who was charged with the robbery you have referred to?—The guilty individual was never discovered.

494. Supposing that there had been a regulation which should have prohibited corporal punishment, do you conceive you could have kept that Army in the state of discipline in which it was?—I am decidedly of opinion that while the facilities of procuring wine and spirits were so very great, without a strong power of coercion, (of course it must be an opinion only,) such a state of discipline could not have been maintained.

495. Are you aware that corporal punishment is entirely forbidden in the French Army?—I am not well acquainted with the details of the French Army in that respect. I know that there are more crimes punished with death in the French than in our service.

496. You have stated the difficulty that there would be, when an Army was in the field, to inflict the punishment of solitary confinement: speaking of an Army actually in the field, that is to say, bivouacked, and not in cantonments, in such a case as that, do you conceive that the punishment of solitary confinement could be inflicted on a culprit?—I hold that, in very many situations in which the soldiers are frequently placed, the inflicting solitary confinement is utterly impossible; for there is no building which amounts in goodness to what in this country we denominate a "pig-sty," which officers of junior ranks may not have been obliged to put up with as their quarters. And I am quite sure that the subalterns of the Army would have seized on every one of that sort of buildings; and that no accommodation for solitary confinement could, in many cases, be found.

497. In case such a place could have been found, some person must have been left to guard the prisoner who was undergoing such a sentence?—Invariably, a guard.

498. So that a certain number of persons would have been withdrawn from actual service for the purpose of guarding the prisoner?—In all these cases there are regimental guards, and prisoners are placed in their charge. If the prisoners were under sentence of solitary confinement, and such prisoners were numerous, those guards must necessarily have been strengthened accordingly; and consequently their strength would have been abstracted from the actual force in the field.

499. In what way would such a withdrawal of soldiers, for the mere purpose of guarding prisoners in solitary confinement, have been viewed by their comrades, who are actually on severe and hard duty?—Probably there is no officer amongst us who would have allowed such guards, or prisoners, when actual service led to their being wanted, to remain in the situation referred to; because, most likely we should have each of us felt it so desirable to have our battalions strong in the face of the enemy, that we should take guards and prisoners and all, to make use of in that way.

500. Then, in point of fact, the sentence of solitary confinement would not have been inflicted?—Certainly not.

501. When you commanded a regiment, did it appear to you that the infliction of corporal punishment upon the soldier always carried with it considerable degradation in the eyes of his brother soldiers?—I will say of myself, as I should say of almost every one of my brother officers, that the task of inflicting corporal punishment was always so painful to us, and our feelings towards our soldiers were so different from what persons seem to suppose—indeed so much more like the feelings of a father towards his children (at least it was always my own)—that the infliction of corporal punishment was the most painful duty we ever performed. I never did it when I could possibly avoid it. When I did it, I did it for the sake of example. I did it with that degree of severity which was calculated to make an impression. The degradation depended upon the nature of the crime.

502. Was the society of the culprit who was punished in that way avoided by his fellow soldiers afterwards?—I should say, that mainly depended upon the nature of the crime. There are many offences which such young heedless men as we have as soldiers in our service commit, which, although we are obliged to make an example of the person guilty of them, do not carry with them that sort of moral guilt which leads the culprit's comrades to despise him afterwards; and their feeling towards the man who is punished is more guided by that than by the actual punishment he suffers. A man gets drunk, and kicks up a rout, and knocks down his serjeant or corporal while he is drunk. He must be necessarily punished, for the maintenance of discipline. But his comrades would look upon that as a drunken "lark" (as they would call it); and they would not look upon him as disgraced. But if it were for robbery, or outrage of that kind, they would deem him not a fit person for association with them.

503. Have you known persons who have been corporally punished become respectable good soldiers afterwards?—I have known them even to be made non-commissioned officers, and to be excellent soldiers.

*Sir H. Fane.*

504. Is the general effect of corporal punishment that of hardening the offender, or does it answer the purpose of correction and reform of the offender?—It is so long since I have been commanding officer of a regiment, I hardly know how to give a proper and sensible answer to such a question. A man whose character is bad, who has been punished two or three times, probably would not care for a third, or a fourth, or fifth. But, generally speaking, I should say it had not the effect of hardening the offender in his course of crime. I do not bring to my recollection any instance I could quote, of having observed that it has had the effect of hardening a man.

505. Is it your opinion that the attending on corporal punishment has the effect of deterring those who witness it from the commission of similar offences, or of exciting in their minds pity and compassion for the person who is under punishment?—I am quite sure that, at the time I was a commanding officer of a regiment, when those fallacies about "cruelty to our soldiers," and so on, were not quite so rife as they are now, young soldiers were so much struck by the formality, as well as by the nature of the punishment itself, that it tended very much to prevent the commission of crimes. We found young soldiers frequently fainting in their situations in the ranks. Punishment was always performed with a degree of solemnity extremely striking, which must have a serious effect upon the mind of any man. I am sure that, upon ourselves, who were obliged to witness it, it had an effect which was very painful.

506. With respect to the effect you speak of, of sickness on the part of the young soldiers, do you attribute that to disgust on their part, or their feelings being excited by what they were witnessing?—I should say, certainly, the latter; that an idea of disgust at the deserved punishment for a crime did not enter the soldier's mind.

507. Supposing that a soldier, instead of undergoing a sentence with all the ceremony and effect you have described, was merely marched off the parade, after his sentence had been read, to solitary confinement,—are you of opinion that proceeding would have an equal effect upon the other soldiers' minds?—I am sure it would not. I am sure that, when a drunken idle fellow was sent away to a confinement of that kind, most of his comrades would make it more the subject of ridicule, that such a man was sent to six weeks' confinement, than anything else.

508. Supposing there were the means of adding hard labour to solitary confinement, do you think that would make any alteration in the feelings of the other soldiers?—I really do not think that it would make any material difference.

509. Have you ever considered the effect of confining the soldiers in the common prisons of this country, in execution of their punishment of solitary confinement?—I will state a case that occurred to a man of my own regiment, the King's Dragoon Guards:—he had been a serjeant of police in Ireland, which situation he resigned to come into the 1st Dragoon Guards, in hopes to become a non-commissioned officer there. His character was such as to be likely to have led to the result which he desired. He was sent to the riding establishment in London, and, after having completed his course of instruction there, the day that he was dismissed he was made drunk upon the road; and, in consequence of the violence of his conduct, he was tried by a district court martial, and was sent for six weeks to Brixton house of correction. The consequence to this man was, that instead of receiving such a punishment, awarded by the officers of his own regiment, as such an offence would probably have led to, his character was so damaged by the infliction of six weeks' imprisonment in Brixton gaol, among the sort of culprits generally confined there, that his prospects were totally ruined; and I conceive that he suffered a very greatly increased punishment by having been so sent to Brixton gaol, instead of being punished in the usual way at his regiment.

510. Supposing the district court martial before which he was tried had, instead of sentencing him to confinement in Brixton gaol, sentenced him to corporal punishment, would not his prospects have been equally ruined by that circumstance?—I think, from the nature of the offence for which he would have been punished, it would not have been ruinous to the same extent.

511. You suppose that the moral contamination arising from his confinement in Brixton gaol would be more detrimental to his character as a soldier than the actual infliction of corporal punishment?—In my opinion, it would be more injurious to his character, and be more likely to be detrimental to him in his regiment.

512. Suppose that person had been, from the moment of his imprisonment in Brixton gaol, kept in solitary confinement, would it have had the same effect upon his character and prospects, in your opinion?—I think the mere circumstance of his spending six weeks in Brixton gaol would materially affect his character in the minds of his companions, and more still in the minds of his officers.

[*The witness withdrew.*]

Major-general Sir *Thomas Pearson* was examined as follows:—

*Sir Thos. Pearson.*

513. How long have you been in the Army?—Seven and thirty years.

514. During that time, have you generally been doing regimental duty?—Yes, six and thirty years of the time.

515. Have you lately become a major-general?—In 1830.

516. What regiments have you commanded?—I served in the 23d Foot twenty-nine years, sixteen of which I commanded it; and two years I commanded the second battalion 43d Foot.

517. Since your first entrance into the Army, has there not been a considerable alteration as to the frequency of corporal punishment in the Army?—Decidedly so.

518. Has that been in consequence of orders or directions from the commander-in-chief,

during that time, from head-quarters?—I consider myself it is from a different system pursued of late years to that pursued in former years.

519. A different system, under directions from head-quarters, or a different system adopted by the several commanding officers of their own accord?—A system adopted by commanding officers, of course under the orders of the commander-in-chief.

520. What has been the effect in the regiments you have commanded of the diminution of corporal punishments upon the discipline of those regiments?—That is a question which involves many things. In the first place, a great deal depends upon the station where the regiment happens to be quartered, whether on foreign service or in a garrison abroad, or in Ireland, or in England. Punishments must accrue at divers times in consequence of situation as well as circumstances.

521. Has any other punishment been substituted in lieu of corporal punishment?—Yes, solitary confinement.

522. How has that punishment been carried into effect?—In the regiment which I commanded it always has been carried into effect by the black hole.

523. Has it also been carried into effect by sending the culprit to the county gaols?—Never in the regiment I have commanded, but it has been the course with other regiments.

524. Have you ever witnessed any effect produced either upon the culprit himself or upon his fellow soldiers, by his confinement in the county prisons?—I never saw any good effect.

525. Have you, on the other hand, seen any other effect?—I have; a decidedly bad effect from solitary confinement.

526. Do you mean when carried into effect in the county prisons, or according to your own mode?—Yes, in both.

527. Are you of opinion that the system of solitary confinement in lieu of corporal punishment, such punishment being entirely forbidden, would have the effect of maintaining proper discipline in the Army?—I consider that, if corporal punishment were abolished in the British Army, the command of the British Army would be virtually given up. I consider that it would be totally impossible to maintain such a discipline as would be necessary to uphold the character and reputation of the British Army, without corporal punishment remaining to be resorted to in case of necessity.

528. Speaking, in the first instance, of a regiment quartered in Great Britain or Ireland, supposing military prisons to be established, in which the means of making solitary confinement an effectual punishment would be afforded, do you think, in such a case as that, the substitution of solitary confinement for corporal punishment, might enable the officers of the Army to keep up its discipline?—By the adoption of solitary confinement in prison, you not only inflict punishment on the criminal, but also on the good soldier; for the more men who are under confinement, the greater the share of duty, and consequent degree of hardship upon those not confined; and I speak the sentiments of the soldiers themselves in saying so. For it is unpleasant and inconsistent for them to have to do the duty of bad men who are confined. The punishment generally falls on a certain number of men in the corps; it is by no means general: and I believe that, if the question were put to the regiment to-morrow morning, whether corporal punishment should be abolished or not, I will venture to say that four out of six would say it should not be abolished.

529. You mean four out of six of the soldiers of the regiment?—Yes.

530. Taking the case of a regiment actually in the field, would it be possible to inflict the punishment of solitary confinement effectually?—As far as my own opinion goes, I unhesitatingly say, no.

531. Have you served in any garrisons in the Colonies?—I have served in the West Indies, in Gibraltar, in America, in the Peninsula, and in Egypt.

532. Gibraltar is entirely a military station, is it not?—Perfectly so.

533. Are there in that station conveniences for making the punishment of solitary confinement effectual?—I never knew an instance of a man going into a place of solitary confinement, who came out one single atom improved. On the contrary, it always appeared to me to have the effect of souring his disposition. If you send a man naturally of a sullen disposition into solitary confinement, you bring him out a thousand times worse than he went in; and the first use he makes of his liberty afterwards, is to go into a wine-house and get beastly drunk; he knows the duty will be done for him while in confinement. And I would say, the manner in which it is carried into effect is contrary to discipline. It is not what ought to be termed solitary confinement. There is a system of solitary confinement carried into effect with culprits, in America, which is the severest punishment a man can possibly go through. It is, in reality, solitary confinement; but, with us, it cannot be the case, particularly when four or five regiments are stationed at the same place, and where there is liquor to be had in such abundance as we have, it is impossible to carry it into effect.

534. Suppose there were such establishments here as those to which you allude in America, do you conceive, in that case, the substitution of solitary confinement for corporal punishment would afford the means of keeping up the discipline of the Army?—I do not indeed.

535. However perfect you may suppose the system of solitary confinement to be made, you still are of opinion that the entire abolition of corporal punishment would take away from the officers of the Army the means of maintaining discipline?—I do: no effective solitary confinement can ever take place when the Army is in the field.

536. Putting by, for the moment, the Army in the field; speaking of an Army in these islands, do you conceive that if such a system as that you have spoken of in America were established in Great Britain and in Ireland, still the discipline of the Army could not be kept up?—It is impossible to give a definitive opinion in that case until a trial has been made of it.

537. With respect to the effect of the punishment upon the individual, and upon his com-

*Sir Thos. Pearson.*

panions, is it the fact that a soldier, when he has been once punished, is, in the eyes of his fellow soldiers, a degraded person?—Not so much so as people out of the service imagine.

538. To what extent do you conceive him to be degraded in the eyes of his companions?—Only as a soldier who possesses an exceedingly bad character, and has been obliged to be reduced to corporal punishment.

539. Supposing a man to have undergone corporal punishment for some military offence, and not an offence of a disgraceful nature, in what light is that man considered by his fellow soldiers after having been punished—Is his society avoided, as a man under disgrace in the regiment afterwards?—No, his society is not avoided certainly.

540. Do you suppose that a man is more degraded by the nature of the offence he commits than by the punishment which is inflicted upon him?—Decidedly so.

541. And that, not only in the minds of his officers, but in the minds of the men also?—Yes.

542. Have you known instances of persons who have been corporally punished, becoming afterwards good soldiers and non-commissioned officers?—I have.

543. Many?—Many.

544. Were they, after they became non-commissioned officers, at all impeded in the due performance of their duty from any feeling of disgrace attached to them in consequence of their previous punishment?—I never knew an instance of it.

545. Did you ever know the fact of their having been, previously to becoming non-commissioned officers, so punished, brought against them on any occasion by the other soldiers?—I have never heard of it myself. It has never been brought to my notice; possibly it might be in their barrack-rooms, but never so as to be brought to my notice as an officer.

546. Do you conceive that fact would prevent a non-commissioned officer from being as equal to the performance of his duty as another person who had not been punished?—A good deal would depend upon the nature of the crime for which that man was punished.

547. If it was a disgraceful crime for which he had been punished, it might have that effect?—For the crime of theft; but I should suppose no commanding officer would promote a man who had been punished for any very disgraceful crime.

548. Are the Commissioners to understand, not for any offence merely of a military nature?—Just so.

549. Is it your opinion that the infliction of corporal punishment, attended by all the solemnities with which it is accompanied, has a considerable effect, or any effect, upon the other soldiers of the regiment who witness it?—Decidedly so.

550. Is the feeling of the other soldiers one of disgust at the nature of the punishment, or such a feeling as will have the effect of deterring them from committing the same offence?—It certainly has the effect of deterring all young soldiers, and it has a very powerful effect upon their minds; but there are always a few bad dispositions in almost every regiment, where no punishment, let it be of what kind it may, has any effect in deterring them from the commission of crime.

551. Has it the effect of hardening the individual himself, and destroying his utility as a soldier for the future?—I should certainly say, not generally.

552. Supposing a person to have been punished corporally more than once, does the repetition of that punishment, in your opinion, tend to harden that person, and make him unfit for his duties?—The punishment itself does not tend to harden the man, but the man's own disposition is hardened beyond any effect the punishment can have upon him.

553. Have you ever considered whether any regulations might be made, which should, either by holding out a certainty of a pension after a certain number of years' service, or by the establishment of an order of merit within the Army, descending to the lowest ranks, whether either or both of them, might have the effect of inducing a better class of persons to enter the Army than do now?—I am decidedly of opinion that both would.

554. Have you ever turned in your own mind, for instance, how such an order of merit might be made to effect that object?—No, I have not myself.

555. With respect to pensions on account of service, do you think a soldier ought to be entitled to a pension, whether he was discharged as being unfit for service or not?—I think myself, if the pensions were to commence at a certain rate from two years, and to be advanced from seven to fourteen, and from fourteen to twenty-one, that would be well.

556. So that, if a person had served so many years in the Army, he should be quite sure of a pension?—Yes, that he should be quite sure of a pension.

557. Have you ever been employed on the recruiting service?—I was, when I was a very young man.

558. Looking to the manufacturing and labouring classes of this country, do you imagine that the soldiers are a fair sample of the good and bad of each sort, or that more of the bad class of those two descriptions of persons enlist than of the good?—The worst description of soldiers that I have ever come in contact with, were those from the manufacturing districts.

559. Soldiers are generally drawn from the labouring class of the community?—Yes, the agricultural men are decidedly the best.

560. Do you think that you get a fair proportion of the good and bad of the population, or of the worst?—I should certainly say, more good than bad.

561. More good agricultural labourers than bad, and more good manufacturing labourers than bad?—Yes.

562. Has it ever come under your observation that a man who had committed frequent offences in the regiment, and been punished frequently, was, notwithstanding, when he came into actual service in the field, as good a soldier as the man better behaved on common occasions?—I have seen men who have been severely punished, when brought into the field, behave as gallantly and nobly as any men in the field.

563. And shew attachment to their officers?—Perfectly so. I never knew an instance to the contrary, because every soldier is perfectly aware that he is never punished without meriting it. *Sir Thos. Pearson.*

564. Are you of opinion, that, if care is taken to inflict corporal punishment where it is really merited, the soldiers do not look upon it as too severe a punishment?—Certainly not. For, agreeably to the present system, a monthly Return of all crimes committed, and all punishments inflicted, is sent to the Horse Guards, for the inspection of the Commander-in-chief: it is therefore impossible that a commanding officer can inflict any undue punishment on any man without a very great responsibility on his part.

[*The witness withdrew.*]

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*Friday, 27th March,* 1835.

The Right Hon. Lord WHARNCLIFFE in the Chair.

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Lieutenant-Colonel *De Lacy Evans,* M. P., examined as follows:

*Lieut.-Col. De Lacy Evans.*

565. Are you still in the Army?—Yes.

566. On half-pay?—Yes.

567. How long have you been in the Army?—About 28 years, I think.

568. In what regiments have you served?—The 22d infantry, the 3d dragoons, and the 5th West India regiment. I never served in the West India regiment, but belonged to it.

569. Have you been upon the Staff?—Chiefly upon the Staff. I perhaps ought to say that, as to the practical discipline of regiments, my experience is smaller than that of several officers of my own standing; but, on the other hand, I have been employed about eleven years with troops generally in the field, and in different parts of the world; and therefore think I have seen a good deal and much variety of service, which may render me less incompetent than I might otherwise be to form opinions on these topics.

570. In what situations were you in the field?—Subordinate situations.

571. In the quartermaster-general's department?—Yes; I had the duties of that department at one time, with a division of ten thousand men; and also acted as deputy quartermaster-general, or, in fact, chief of the staff, with the forces employed against the western coast of America. These were not subordinate situations.

572. The Commissioners understand that you have formed some opinions adverse to corporal punishments?—I have.

573. Do those opinions go the length of the entire abolition of that punishment, or merely its regulation?—Perhaps I may be allowed to say two or three sentences, to justify my venturing to entertain an opinion at variance with that of so vast a majority of the officers in the Army, some of whom are of the highest and most pre-eminent authority. It seems but fair, in such a case, to be permitted to assign a reason. I should first, then, say what I believe will be admitted on all hands, namely, that the foundation of all government, and all law, rests upon public opinion. The opinion I hold on this point, I held before I came into Parliament. It has not been taken up as a popular notion since. For a considerable time before I had a seat in Parliament, it appeared to me there was a strong growing opinion throughout this country, favourable to the remission of this punishment, and that was not confined to any particular class, and was not altogether, or rather was not at all, a party feeling. Then the question arises, whether, with so adverse a feeling existing, we are now in that condition and state of civilization that this punishment can be persevered in with advantage to the public service; and whether the degree of intelligence and consequent self-respect, now so widely diffused, are not incompatible with its continuance. It appears to me, that in all the cases which now come to the knowledge of the public, the soldier thus punished is rather considered in the light of a martyr than a culprit, when subjected to this species of corporal infliction. That alone, I think, though even it were abstractedly a useful punishment, would impair very much the utility of it. The soldier, in fact, who is now subjected to the lash, is deemed an object of sympathy throughout the country. Now, with regard to the idea that there are different stages of society, which require different species of discipline, I think that can be supported without any doubt or question whatever; I might instance, for example, the punishments imposed in Lord Essex's army, in 1642. In the Articles of War of that period, a man's tongue was to be bored with a red-hot iron in case he should use blasphemy, and men were to be shot for a variety of trifling offences. We do not know that those were considered barbarous punishments in that day, therefore we may suppose they were not ill adapted to the state of civilization and opinion of the country at that time; but we know that no such punishment would be for a moment tolerated in the present age. I also look to Russia, where very severe and even barbarously severe punishments were executed, and perhaps usefully, by Peter the Great, in his efforts to reform and reclaim that people. Though the progress of civilization has not been very great in that country, yet I think the same arbitrary exercise of power would not be allowed by the influential classes of Russia; yet the punishments which would be permitted and considered ordinary in Russia, even now, would be held altogether intolerable in France or England. Forty or fifty years ago, nay, even when I first entered the Army, the frequent, the arbitrary, and indiscriminate way in which some commanding officers resorted to this method of maintaining discipline, was highly reprehensible, distressing, and frequently perfectly useless, and tended to harden and destroy, rather than amend, the moral feelings of the men.

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574. Would you say arbitrary?—Not arbitrary, perhaps, but it tended to demoralize the men. It was, I think, unhappily employed, and uselessly in many regiments. Still it was not taken up by the public at all, which is a proof that the state of society and public feeling at that time was not precisely that which it is now. Therefore, though it might or might not, twenty, thirty, or forty years ago, have been a very efficient and proper punishment, exercised in moderation, there is reason to think it is not so now; and, from the continued indications of the public feeling upon the subject, I do think it impossible to contemplate its continuance with benefit to the service. That is one reason, supposing it, as I said, to be abstractedly unobjectionable. If that be the case then, we should also inquire, on the other hand, whether there are any defects in the present system which may render this punishment necessary in the opinion of a great number of commanding officers; and, if those errors in the other portions of our punishments were removed, whether the facility for the removal of this objectionable punishment might not also be effectually promoted. With regard to some of the errors, speaking always with great diffidence on the subject, because of the superiority of those, in practical experience, with whom I differ, they appear to me very important. The sort of outcry which has been raised against the application of this punishment has induced, I think, the heads of the Army to restrain the officers in command of companies and regiments, not only with regard to the subject complained of, but also, and inconveniently, as to other minor punishments. In short, I conceive they have erroneously withdrawn some portion of the discretionary power, as to several minor penalties, which previously belonged to the officers, and which I think might still be usefully left with them; for, with respect to those minor punishments, I think it is not absolutely necessary to examine so strictly as now takes place into the cases in which they may be employed. So also as to the log, and with regard to the stoppages of pay and of rations, some larger discretionary authority might, I conceive, be beneficially allowed on these points to commanding officers. At present, also, officers commanding companies have less power than they used to have in these respects; and the commanding officers of regiments, in consequence of public attention being drawn to the mode of carrying on discipline, are restricted injuriously, but perhaps unavoidably, in the exercise of their discretion in regard to other punishments, which, if the obnoxious corporal infliction were removed, they would not be restricted in. I think, if that alteration were made, much of the difficulty apprehended to arise from this alteration in the military code would not be found to exist. It has been stated, and no doubt correctly, that a great objection exists in the minds of the soldiers to any interference with their pay; but I think that might be obviated by a public account being rendered of the appropriation of the sum accruing in this way; in short, that it might be stopped to a considerably greater extent than it now is, without producing any unfavourable jealousy in the minds of the men. I mean, by making over those fines publicly to some regimental institution, or for the benefit of the women and children, or to some purpose connected with the particular regiment; thus rendering the deserved pecuniary loss of the individual rather a source of satisfaction to the men generally, who were well conducted, than of dislike or jealousy, as at present.

575. Are you aware that it is now appropriated by the public?—Yes, but that is not what I propose. To take it from the soldier, and give it to the public, I conceive to be a decided error. I think it should be distinctly, and regularly, and openly, and to the cognizance of all the men, appropriated, as I before said, to some such regimental purpose as might be deemed most likely to be agreeable to the feelings of the men. The various punishments I allude to, are not necessary to be detailed here. Let more extensive powers referred to, be given to officers, and do not render it indispensable to refer so often to courts martial. I think there may also be a question in reference to courts martial, which I would throw out; and it is this,—whether some advantage might not arise from selecting some few non-commissioned officers and privates to form parts of courts martial of a particular class. That is a question, I know, of considerable moment, and I only throw it out for consideration. It would tend, if adopted, to reconcile the men to the punishments imposed upon them, and would certainly be consistent with the first principles of justice, and of English law, that of being tried by our peers.

576. From your answers the Commissioners collect that your great objection to the continuance of corporal punishment is, that public feeling is so strongly against it, that the person suffering that punishment is rather an object of sympathy than of example?—That is rather an effect than a cause. The cause is, that the present state of civilization, and the self-respect which grows up arising from that, throughout society, produce this feeling of indignation with regard to a punishment which they suppose to be degrading, and thus, at all events, produces moral degradation.

577. Do you speak with respect to that feeling as affecting the soldiers, or as affecting the public?—Of course it affects the public chiefly; but whatever affects largely the public in this country must inevitably affect the soldiers more or less.

578. Are you of opinion that corporal punishment has not the effect of deterring soldiers from the commission of the offences for which they see that punishment inflicted?—There are two great means of governing all bodies of men, both civil and military,—those of fear and hope. This is one of those means or weapons. And I say, that, in our military system, we rely too exclusively on the former, and avail ourselves too little of the latter—I mean that of hope, emulation, or ambition, and particularly so in time of peace. There are undoubtedly a great number of persons raised during a war from the ranks. The barrier in this country is very broad between the soldiers and the officers. There are advantages undoubtedly arising from this, but there are also disadvantages.

579. Are you not of opinion that you must govern any body of individuals, and keep them in a state of discipline requisite for an Army by both means, both by the means of fear, and by the means of encouragement and reward?—Clearly so.

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580. In that case it will be necessary to have some severe punishment for the purpose of acting upon the first impression mentioned, namely, that of fear?—Unquestionably; I would observe, in addition to that, on my own part, that I have never argued this question on the ground of its cruelty, but merely on the account of its moral degradation. As to cruelty, there are a great number of physical evils or cruelties which the soldier is obliged to suffer, in actual service, as severe, and more so, than this; but I rest the argument on the moral degradation resulting.

581. Your feeling is not founded on the cruelty to the individual, but the degradation of the individual so punished?—Entirely.

582. Are you of opinion that the infliction of this punishment is without its effect on the minds of other soldiers as a means of preventing their committing similar offences?—That it is without its adequate and comparatively useful effect, not that it is without some effect certainly.

583. When you speak of the degradation consequent upon that punishment, are you satisfied, from your own observation, that a soldier punished corporally for merely a military crime is, in point of fact, degraded in the manner you suppose among his fellow-soldiers?—I imagine, from the feeling which exists in society, of which the soldier cannot be ignorant, it is impossible it can be otherwise.

584. Is that conclusion drawn from theoretical reasoning, or have you the means of knowing whether that is the case or not?—I cannot say that I have conversed with soldiers who have been flogged, and asked them whether they felt degraded or not;—but that is my impression.

585. Have you had any means of observing whether, as to a person under the circumstances mentioned in the foregoing question, his society is shunned by his brother-soldiers?—I must answer that distinctly again, that I have never asked whether that is positively the case or not.

586. Are you cognizant of the case of a man who has been so punished for a disgraceful crime, being looked upon by his comrades in a different point of view from one who has been punished for a military one?—I cannot speak from personal experience upon that subject.

587. But the reasoning which has induced you to draw your conclusion is, that the feeling being general amongst the public of this punishment being a degradation, it must, necessarily, be so considered among the soldiers?—I conceive, that whatever opinion, regarding the soldiers, is widely diffused among the public, must necessarily reach the soldiers.

588. You state also that one of your reasons for having an opinion adverse to that punishment is, that although that punishment would not only have been endured, but perhaps thought right some fifty years ago, we are so much advanced in civilization now, that that punishment is repugnant to the feelings of the country?—Yes; and I would add as a further justification of my entertaining that impression, that it is not simply in reference to this punishment in the Army that the progress of civilization, and the general state of the feelings of the country, have been exhibited. They have been evinced equally with regard to capital punishments in the civil law. And that brings me to a point which I think rather important:—namely, that the objections to the rendering penalties in our criminal code much less severe than hitherto were the danger that, from this means of terror being withdrawn, an additional danger to life and property might arise; and so with respect to the objection to the alleviation of this punishment in the Army. But I beg to state that the results of the alleviation in our criminal code are entirely favourable to the mitigation now sought. Indeed, I think the arguments against the alteration of the criminal law appeared much stronger than are those advanced against withdrawing this, not capital, but secondary punishment in the Army. The result of the diminution of the penalty of death, throughout England and Wales, has been this,—that, in the year 1829, there were ninety-three capital punishments, while in two years afterwards the number executed dropped to thirteen; a diminution of sevenfold in consequence of the intermediate amelioration of the law, which arose from the same feeling now evinced on the subject of flogging. And notwithstanding this rapid change, so grateful to humanity, within so short a period as two years, the increase of crime was in no degree in comparison, but, on the contrary, extremely small, although the decrease in the severity of punishment was in so great a ratio as sevenfold. I think that result a very strong argument for the removal of this punishment, and a fair ground of inference that the apprehensions of danger from its removal are either exaggerated or unfounded.

589. How do you collect that crime has decreased since 1829?—I should not expect that crime has decreased, because in point of fact there has been an increase, but not perhaps more than proportionate to the increase of population; certainly not in the remotest degree proportionate to the diminution of capital punishments.

590. To return to the question of the state of civilization being a reason for getting rid of this punishment, you look of course to the substitution of some other punishment, in order to get rid of the corporal punishment?—Yes.

591. You are aware that corporal punishment has been entirely done away with in the French Army?—Yes.

592. Are you aware of the punishments which have been substituted in the French Army for corporal punishment?—I am prepared to admit that it will be necessary, if you do away with the lash, to increase both the severer, and also the power of applying the lesser, punishments as substitutes.

593. Are you aware of the particular punishments to which soldiers are subjected in the French Army?—I believe they are subjected to death more frequently than in our Army, and also to others of a very severe character.

594. There are other punishments besides death in the French military code?—Yes.

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595. Are you aware there are some of those punishments which are not only severe but disgraceful, such as the fixing a ball to a man's leg for several years together, and sending him to the galleys in irons?—I am quite aware of that.

596. Is it your opinion that the people of this country would endure to see soldiers who have committed military offences punished in that manner?—As to the punishment of the ball being disgraceful, in point of fact all punishment is disgraceful. It is a question of degree; but the punishment of the lash is considered disgraceful rather to the manhood of the individual. There is no punishment which is not disgraceful. We consider the punishment of flogging (the body of the people do, at least) derogatory to him as a man and a soldier; but I do not think the punishment of the ball would be considered so. The punishment of the log, I think, was unnecessarily discontinued. This, perhaps, was one of the results of the attention of the public being attracted to the Army, by reason of the odium created by the indiscriminate resort to the halberds. I think, if this were done away with, there would be more scope left to the officers, and that they would not be so much interrupted as they are by civilians, and often, no doubt, much to the injury of discipline.

597. Do you think, if persons were sentenced for military offences to the punishment of the ball, continuing for a length of time, that that would not create a considerable feeling in the public?—I do not think that would be a judicious punishment for the soldier in this country. The ball or the log, for a temporary period, might, I consider, be applied beneficially; but to subject a soldier to either of these for a series of years would, I think, not be advisable. The totally irreclaimable might perhaps be made to work in chains with advantage, but they would be deprived of their military character. I am not prepared to say that the whole of the discipline exactly as established in the French Army could be usefully transferred to the British Army; I think that parts of it might. We have, perhaps, unnecessarily abstained in the Army, in regard to the punishment of death: it is a hard thing to say, but still in the Army I think it is possible we may have erred on that side. On the other hand, it is quite clear we have erred, with regard to flogging, in the opposite extreme; at least, until lately. I think it is generally admitted that, till of late years, flogging was exercised most indiscreetly. I am by no means prepared to say, as I before stated, that the whole discipline of the French Army would be suited to the state of society in England; but I think parts of their system might be usefully introduced, particularly with respect to the promotion of a greater number of persons from the ranks. It must of course be admitted, that, from the conscription prevailing in France, there must in that Army be a greater proportion qualified for promotion than with us; but, as long as a punishment which is considered disgraceful continues, I think the necessity for its continuance will more or less exist coevally; for the chief ground of hope of being able to remove the necessity for that punishment would be the ameliorating the class of persons from whom our ranks are recruited; and so long as there is an opinion amongst the peasantry against the Army as a servitude for their sons, so long will it be chiefly recruited from amongst the most ill-disposed and ill-conducted of the young population. The little chance of advancement, and liability to a disgraceful punishment, probably mainly contribute to this repugnance. Remove the causes, and the effects will cease. Do away with the lash, and excite emulation in good conduct by promotions from the ranks; and though some of those thus advanced might not, in the first instance, be as completely adequate to the duties of commissioned officers as would be desirable, yet the eventual result would inevitably be that of inducing a better class of the youth of the country to enter into the military service. With a view of affording this encouragement, if the idea should be entertained, a certain proportion might be advanced from the ranks at stated intervals, and in a public manner, say at intervals of three, four, or more years.

598. Still would there not be a necessity for some mode of severe punishment, if corporal punishment were done away with?—Undoubtedly. There is a very serious obstacle in the Army, arising partly out of the system of discharges. It has been found that the granting a discharge is a favour, and therefore it has been determined that no bad man should have a discharge. The consequence is, that you keep all the bad men in the regiment, and every now and then give a discharge to a good man. Thus, those who are ill-conducted, and who afford the worst example, remain firmly fixed to the regiment; this is a great obstacle to the attempts of commanding officers to do away with this punishment. I think, as a preliminary to this alteration, it may be requisite that a corps of discipline should be formed in two or three of the fortified places. I speak entirely of the home territory. We have no right to inflict any additional punishment on those who may have been flogged, but we have a right to form them into one or more corps, if doing so is likely to contribute to the general benefit of the service. I do not believe that the number of men who have been flogged in the home territory is very considerable; it is generally the same men who are flogged over and over again. I think there should be a corps of discipline formed, and placed in such garrisons as Portsmouth, or more distant garrisons, under rather a sharper discipline; and, in case of further misconduct in such corps of discipline, they should be transferred to other corps, called (suppose) correctional corps, or by some other name of that sort. These might be put to work on the fortifications, or on public works; and, as a third stage, there might be a power to remove them to the worst of our Colonies, to be treated eventually (if incorrigible) as convicts under sentence of the civil jurisdiction.

599. Would you substitute any immediate punishment, independent of those corps, for corporal punishment?—I have not looked narrowly into the Articles of War as to what alterations might be necessary in them, if any; but I should certainly extend, as I said before, the discretionary authority of officers, both regimental and company officers, with regard to the various minor punishments; and I should let it be understood that the higher, even capital punishments, might also, possibly, as amongst the substitutes, be found necessary.

600. You are aware that an attempt has been made to substitute solitary confinement, with and without labour, for corporal punishment?—Undoubtedly; that is one of the punishments I adverted to; there are various degrees of it; with and without hard labour, with and without extra duties, with and without stoppage of rations, of pay, &c.

601. Hitherto that punishment has been inflicted by sending them to the county gaols: what is your opinion of that?—I think it is highly objectionable. By one of the last returns I have seen, I think about a thousand men had passed through county gaols. It has increased of late, and I can conceive nothing more objectionable. I can see no difficulty in there being cells constructed, in addition, to all the barracks, where the troops are quartered in barracks. Where troops are not quartered in barracks, I think some separate places of confinement should be prepared.

602. You would look forward to the establishment of military prisons?—Yes; small military prisons.

603. You speak of Great Britain and Ireland?—Yes.

604. Do you look forward to the same establishment of military prisons in Ireland?—I should think, undoubtedly, some means of imprisonment should exist there. But the view I have upon the subject generally I had better state:—I do not propose to remove throughout the King's dominions the power of exercising corporal punishment at once. There are very great distinctions to be drawn with regard to the different portions of our possessions. For instance, our chief hold over India, in the midst of a vast population subject to our rule, is that of a small military British force; and I should think it an extremely hazardous experiment to alter suddenly, if at all, the mode of carrying on discipline which is practised in that part of our Army: and, more especially as the natives of India are subject to the same punishment, it would be unadvisable to discontinue it in the British portion and to continue it in the native Army. Besides which, it is more hazardous to make a great change in respect of such a possession. The dangers, if such exist, are infinitely less in our home dominions: the body of troops is quite small here in proportion to the whole of the population. If the whole of our military force were to rebel, they could be put down in two or three weeks by the popular force of the country, that is, if the military were destitute of popular assistance. Then, with regard to the other Colonies, they are not so critically situated as our eastern territories; but still they are distinguishable from the home dominions; and, therefore, the outline I would suggest as a preparation would be to create those corps of discipline, correctional, colonial, &c., successively. Then I would propose that the experiment should be made for a small number of years, say five or three, but I think five would be better, as the result might then be more fully ascertained. The ensuing year might elapse in making the preparatory arrangements to which I have alluded; and I should suggest that, for five years from that period, the power of inflicting corporal punishment should be withheld by the Articles of War in Great Britain and Ireland, I think this restriction might be extended in two or three years to the Colonies, if the results at home gave promise of success; but the sphere of the experiment not to be extended to the Army in India till five years, or longer,—until, in fact, the success of the alteration at home and in the Colonies should be ascertained.

605. With respect to an Army in the field, in what manner would you propose to get rid of corporal punishment there?—I have understood that an objection has been made, and dwelt on much, on former occasions, as to the placing soldiers under a different law in the field and on home service. I can conceive nothing more futile than that objection. As to diminishing the power of officers commanding in the field, I think that totally out of the question. I conceive an officer fit to be intrusted with the command of an Army in the field, and with all the vast national interests involved in such an appointment, ought to be fit, and must be presumed fully qualified, to maintain the discipline of the Army committed to his charge: and this, if even no written code or Articles of War existed for his guidance. If he be not competent to maintain its discipline he must be utterly incompetent to direct its operations. A general-in-chief in the field should, in my opinion, be a species of dictator, having almost unlimited discretionary powers. I would not diminish, in the slightest degree, the powers which may at present attach to this office. I should prefer, unquestionably, extending them, and particularly with respect to promotions. I think it likely to be greatly detrimental to the general interests that an officer commanding an Army in the field (for instance, the Duke of Wellington in the Peninsula) should be without the power of instant promotion as well as prompt punishment.

606. You would not propose to get rid of the power of inflicting corporal punishment on service?—I would remove the infliction of corporal punishment from the Articles of War with the limitations alluded to; but I would make such provision as to leave all the power at present existing in the hands of officers in the field.

607. Are you to be understood that you would get rid of corporal punishment entirely from the Articles of War only with regard to Great Britain and Ireland?—Only with regard to Great Britain and Ireland for the present period, as a preliminary.

608. You stated that one of your great objects in getting rid of this punishment would be to induce the peasantry to allow their children to enter the Army, and thereby obtain a better class of persons in the Army?—Yes.

609. Supposing that the infliction of corporal punishment were done away with in these Islands only, but retained temporarily in the Colonies, for a still longer time in the East Indies, and preserved entirely as far as respects an Army in the field, do you think there would be a sufficient inducement held out to persons of a better class to enter the Army by the abolition of the punishment in Great Britain and Ireland?—Unquestionably. We are now in a state of profound peace. If we were now engaged in war I would not propose any alteration even in regard to home territory. I firmly believe it will not be possible advan-

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tageously to continue this punishment, whether it be abstractedly good or bad. I conceive this a good opportunity for trying the experiment without danger. I see no danger of importance to arise from it. As to there being possible inconveniences to arise from it, I know of no change in existing laws which does not bring with it some inconvenience and some possible hazard. But I conceive that the inconveniences of continuing it decidedly predominate, in all probability, to those likely to result from the experiment at home.

610. You are aware that a soldier enlisting in the British Army will most probably spend three-fourths of the time he is in the Army in the Colonies or in the East Indies, and then, for a certain number of years at all events, he would be subject to corporal punishment?—Yes. If it were not an experiment, if we were quite certain of the result, or if there was not at all times great inconvenience from changing an old-established system, I should propose that it should be done away with at once and altogether. The gradual and limited manner which I propose to be pursued in respect to carrying this alteration into effect will not of course afford the same favourable means, in the first instance, of judging of its beneficial results, as if it had been long and wholly discontinued. However, that is unavoidable. I am quite prepared to admit that there will be some inconvenience from a large proportion of the Army continuing partially liable to this punishment. But the fact being circulated throughout the country that the soldiers in England, Scotland, and Ireland, who are the proportion of the Army which are most under the observation and in connection with the people, are no longer to be subject to that punishment, as a preparatory step to its complete removal, would, I think, have a very material effect on the population in removing repugnance to enlistment; and the more so if the intention of affording further encouragement to the good soldier were also known to exist.

611. How do you think it would affect the soldiers themselves, supposing the feeling to be very strong against this mode of punishment, that an order for their embarkation for a Colony would put those men on an entirely different footing in that respect?—That has been one of the objections urged as insurmountable to the removal of this punishment. It may not perhaps be so feeble as the objection arising from the soldier being under a different law in peace and war. Yet the soldiers in the Colonies are better off than in England. I apprehend that, if it were intended to do away with the punishment altogether, and understood to be so intended, they would not go out with those apprehensions on the score of flogging which this question infers. The proposed removal of those men who have given symptoms of bad conduct, suggested as a preliminary, would, I conceive, create a new tone of feeling amongst the men, and would be a great relief to every regiment. Some small proportion of the men perhaps might still feel as is apprehended in the question, on being removed to a Colony; but I think the far greater proportion would feel confident of their exemption. Besides which, even if otherwise, this, from the plan suggested, would only be an inconvenience incident to the few reliefs that might be necessary during the two or three years commencing the experiment.

612. As the period of a regiment's remaining in England after foreign service is usually very short, there must remain in the regiment a considerable number of persons who, having been in the Colonies under the new system you propose, would know that, in point of fact, a man would be subject to corporal punishment?—They would know that they would not be in a worse predicament than they were in before, but, on the contrary, in a better predicament; for, though by law the punishment were not done away in those Colonies, the law made with regard to the Army service at home would be a complete guarantee that it was intended to do away with it also in the Colonies. Moreover, before any alteration of the law as regarding the Colonies, preparatory orders would, it may be presumed, be issued for attempting its previous discontinuance by the commanding officers in those Colonies. Therefore, I think a soldier, going back to those possessions, would rather anticipate a less exposure to the punishment than he had been subjected to previously.

613. The question refers to the inducements held out to persons to enlist in the Army from the doing away with the punishment entirely in Great Britain and Ireland, and the continuance of it, for a time at least, in all the Colonies?—I suppose we should be in a state, in two or three years, to discontinue it in some, at least, of the Colonies. The regiments which come home from the East Indies are very weak, and have to receive a number of recruits. There may be some inconvenience arising in these instances. The experiment would not have complete fair play, perhaps, until it was abolished in the Colonies. I am prepared to admit, from the preserving it for a time in the Colonies, there would be some check to the full benefit, if a benefit is to arise from it.

614. There would still be the expectation of the ultimate abolition of it, which would tend to raise the service into which the men were to enter in the scale of estimation?—That is precisely my opinion.

615. How would you propose to deal with persons committing offences on the line of march in Great Britain and Ireland, requiring immediate correction?—That would lead me to mention another error that I think exists in the present system, with regard to the treatment of men in a state of drunkenness. I conceive that what a man says in a state of drunkenness should be totally unnoticed; and that, if it were so, a number of offences, minor in the first instance, and grave afterwards, would not have to be brought before any tribunal. But, with regard to positive mutiny, which is a rare offence, I think, on a line of march, the use of severe punishment, even the punishment of death, may be, in cases of mutiny, applied; but, if the case does not reach that offence altogether, I would suggest the establishing small military prisons in different parts, wherever the troops are quartered. I conceive a man being bound and marched from his regiment to one of these, or left in one of them, to be dealt with by a court martial afterwards, would be sufficient.

616. You think that would produce that effect on the minds of other soldiers which would stop the spirit of mutiny?—I do not think the spirit of mutiny is a common or spontaneous tendency in the Army; but that it generally arises from some very considerable mismanagement.

617. Still, however arising, for the sake of the peace of the country, it must be put down?—Certainly: the absolute mutiny of a number of men is an offence of the highest nature, and to be punished, if necessary, by death; it should certainly be dealt with sternly and severely. I do not think it is attended with any great danger in this country. That a whole system of discipline should be framed for that one and not frequent offence, the whole composition of the Army being thus, as I suppose, deteriorated, would seem to me inexpedient. If a man be guilty of mutinous conduct, he must be put to death or transported, or dealt with otherwise, according to the nature and degree in which he has been guilty. He will be seized on by order of a non-commissioned officer, handcuffed, and either marched with the regiment in that state, or tried immediately, or deposited, if it be inconvenient to try him on the spot, in one of these prisons.

618. Supposing a whole detachment of a regiment say, "We will not march?"—That is one of those grave offences which almost supersede all law. It is necessary then to resort to the highest punishment. An example then ought to be made; but it should not stop here: a searching inquiry into the causes, and particularly into the conduct of the officers, would seem also necessary.

619. Do you conceive that the establishment of military prisons would be sufficient to check insubordination in such cases?—With regard to a company or regiment absolutely refusing to obey orders, my opinion is that the gravest punishment is sometimes abstained from in our Army injuriously. When a whole regiment, or even company or detachment, mutinies by disobeying an order in that way, I doubt whether it be not indispensable for good order, and the general safety, that one man at least should be executed capitally. But a capital punishment at home, and in time of peace, certainly would require, to justify it, a thorough previous investigation. Though merely refusing to march to the front, or ground their arms, or refusing to obey any such order with a view of manifesting disobedience, is of little consequence in itself, yet it may be very injurious in its consequences. Most of the men of great character in history, who have had to deal with emergencies of that kind (for instance, Cromwell), have made examples on the spot. Men intrusted with arms, and on whose good conduct, therefore, the safety or peril of their fellow-subjects depends, cannot expect to be treated with the same lenity as unarmed citizens. The first regiment I joined was in a very bad state of discipline. I believe a very large part of that arose from the exceedingly harsh and indiscreet exercise of the punishment now under consideration. Some months before I joined them nearly the whole of the corps was in a state of mutiny. They were surrounded by five or six other regiments, and disarmed. It was in India this occurred. Officers commanding lose their presence of mind very often in such cases. I cannot recollect that any capital punishment took place on that occasion; but the men may have been so ill-treated as to preclude the propriety of such a resort. I do not, however, recollect the particulars, which only reached me by letter. Generally speaking, however, I am quite sure that, when a whole battalion or company refuses to obey the orders of the commanding officer, it is safer for the public good that one or more men should be capitally punished.

620. Suppose a case, not in which a whole detachment or company refuse to obey an order, but that one or two individuals in that detachment absolutely refuse, and at the same time that the commanding officer shall see, that unless an immediate punishment is inflicted, that conduct will be followed by similar conduct on the part of others of the detachment—is it not of great advantage to have some punishment which may be inflicted immediately?—Undoubtedly.

621. In such cases, would corporal punishment be a more likely mode of putting an end to that state of things, than the mere putting a man in irons, to be afterwards conveyed to prison?—That involves the whole subject of discussion. I conceive that though you might at the moment repress, by this summary mode, a disposition to resistance on the part of a small body of persons, speaking of some two or three, I think, in the long run, the inconveniences exceed the advantages of continuing the system. You repress at the moment, perhaps, more effectually by this means than you would otherwise; but, on the other hand, you renew those feelings throughout the population which tend to prevent the more respectable class of the lower orders from entering the Army. It is a choice of inconveniences, and this is not peculiar to the subject under consideration.

622. It is a choice of inconveniences between the effect of corporal punishment upon the public, and the less effectual way of putting an end to disturbance in certain emergencies?—Yes; bearing, however, in mind, that I have conceived, throughout the whole of our system, we resort too exclusively to punishment, and too little to reward.

623. Still, the having recourse to reward, as an inducement to good behaviour, cannot, in all cases, do away with the necessity of punishments of this description, or some other?—No, certainly not. In reference to rewards, many have thought that, in the cases of discharges and pensions, the latter are often too promiscuously given; that they should not be merely the result of long service, but of long service and good conduct jointly. They should have a medal, or certificate, to enable them to return with *eclat*, and proof of character, to their native village or home; and that all pensioners might, for instance, very safely have the elective franchise under such circumstances.

624. Do you conceive that the discipline is weakened by the interference of public feeling in military punishments, and that that feeling would be very much weakened by the abolition of this particular kind of punishment?—I think so, and that the hands of officers of all classes

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would be infinitely freer if this particular punishment, which has become odious (partly, however, no doubt, from the abuses which have existed in former times), were abolished.

625. And partly also, probably, from the less use of corporal punishment in civil offences?—That is very likely, but I do not think there is a parity between military and civil punishments. A soldier is more exposed to public view; and what may be admissible with regard to an unknown person in civil life, might be very inappropriate or disgusting if applied to a soldier

626. You are aware that considerable restrictions have been imposed upon the amount of corporal punishment to be inflicted by different descriptions of courts martial of late years?—I am.

627. And also that there has been a restriction with regard to the offences which are to be so punished?—Yes.

628. According to the scheme you have laid down with respect to the substitution of solitary confinement for those punishments in Great Britain and Ireland, some time must elapse necessarily before those prisons would be built, and the preparation made for giving the experiment a fair chance?—No doubt.

629. Until those are built, of course you would not think it right entirely to do away with corporal punishment?—As to the building prisons where they do not exist now, an order was issued from the Ordnance, I think, a year or two ago upon this subject; but I am not sure whether it was carried into execution. I suppose that two or three months would be sufficient for the establishment of these small prisons. I think that, if the Commission should come to a determination in favour of the remission of this punishment, time for the preparatory measures would be necessary, namely, the building of those small prisons coevally with the establishment of the corps of discipline, correctional corps, &c.: that, in that case, it would be more convenient, if the Commission come to a decision in favour of the removal of the punishment, to allow the law to remain pretty nearly as it now is until the next Mutiny Act after the ensuing year.

630. Would you suggest any further regulations with respect to that punishment, supposing it to continue for a year, which may forward the object?—I think it would be expedient that orders from the head of the Army should emanate, inviting the officers to make still further exertions as to the attempt of introducing substitute punishments during the ensuing year; but that is all which can be done while it continues.

631. The matter must, of course, be regulated by the existing law?—Yes; but still the resort to the existing law can be modified, I apprehend, by orders.

632. You look to entire abolition as soon as possible?—As an ultimate object, for as long as it continues I should almost feel that the impression cannot but remain upon the minds of the people; and that the primary preventive object, that of introducing a better class of persons, particularly of those who would enter the Army prepared to endure a great deal for some years, but in the hope of attaining the rank of officers eventually, would be very much interfered with if the punishment existed at all.

633. No regulation of the punishment would be of any great avail in your opinion?—I doubt whether it is possible to effect much without eventually removing the power altogether. I believe it to be radically defective as a system of punishment, even if there had not been that feeling produced throughout the public mind in a state of society such as the present.

634. Do you believe it would affect the public feeling if corporal punishment were still continued in extreme cases where it is needful, by way of summary example?—I think that would still produce an injurious effect, and would greatly interfere with the success of the experiment; that the experiment would not have fair play unless it were absolutely removed.

635. Has your attention ever been turned to the possibility of establishing an order of merit, descending to the very lowest ranks of the Army?—That is one of the errors which I think exists in our system. It may, it is true, be said, that our Army was capable of beating all other Armies of similar numerical force. But the system of orders of merit is new to this country, and does not altogether assimilate with the feelings of society. We are not altogether a military people, and there seems some objection to the display of orders; and, consequently, officers of the highest rank, and known to have merited these marks of distinction, abstain from wearing them in ordinary society, which is not the case in other countries. But still I think a considerable use might be made of orders if carefully distributed. I imagine there was some inconsistency on this head during the war. Perhaps there were not a sufficient number of gradations in the orders. They were almost all, except the riband of Waterloo, reserved for officers of the higher class. I can conceive nothing more defective in principle, and probably in result, than excluding officers and men on the sole ground of the rank they held, and not of the merit or demerit of their service. In the case of the battle of Waterloo, on the other hand, the medal was distributed, perhaps, too generally to all ranks, and without reference to rank or services of the men, or their conduct. I think they might have been given more advantageously to individuals, or regiments, or brigades, who were more specially engaged or distinguished.

636. Without referring to medals given for actions in war, the question refers to an order of merit among soldiers for their zealous conduct while in the Army?—Most distinctly. A soldier, in retiring, should have his pension, if entitled to it, not solely by reason of his length of service, but by certificates of good service also; and, on that occasion, a medal, or some badge which will gratify his pride, and point him out as an object of distinction among his fellows, would be extremely desirable.

637. Do you mean to say you think that the order of merit, or medal, should not be given until he is discharged; or that there should be an order of merit established, the badge of which should be worn by soldiers while serving?—If a soldier enlists for seven years, and after that period his conduct has been found exemplary, I should be very much inclined to think

some mark of distinction would be encouraging to him among his comrades; but it must be borne in mind that there must be an economy in the distribution of those things, or they lose their value.

638. Are there any other matters in the way of reward or stimulus for good conduct which you can point out to the Commissioners besides those you have already mentioned?—I think those are the outlines, as far as my memory enables me to speak on the subject at present.

639. The Commissioners collect from your evidence that the principal matters to which you look as inducements to persons of a better rank to enlist are, in the first place, the abolition of corporal punishments; secondly, a better regulation with respect to pensions and discharges; thirdly, some distinction bestowed for good conduct on the private soldier; and, lastly, certain civil advantages, such as the elective franchise, and an exemption from certain parish offices, and also the prospect of promotion as commissioned officers?—Yes.

640. What are the descriptions of persons you would put into the corps you have referred to?—I would propose that the whole of the men who have undergone corporal punishment should be now collected, formed into corps of discipline, and placed in fitting stations. It may be rather hard upon them to be removed from their corps, but the general well-being of the service will justify it as a preparatory arrangement; although, of course, as they have already borne their punishments, there would be no justice or propriety in imposing any additional severity on them.

641. Do not you think that would be a great punishment to a man who had been punished for an offence, not a heinous one, by placing him at a point, not an amiable one, in the service, making that distinction which would be injurious to his future prospects in the service?—I allow that might be the case, but I do not see a very convenient mode of avoiding it, unless possibly there should be a discretionary power vested in the commanding officers to point out those who may unfortunately have been flogged, but who had been previously and subsequently so well conducted as to have a good character in their regiments. But these should be the exceptions.

642. This corps would be very soon abolished, as no recruits could be added to them in case of the abolition of corporal punishment?—I do not suppose that those three or four corps should be eventually composed of those corporally punished, but that those in future who shall be guilty of offences equivalent to those which are at present corporally punished should be sent to those corps. In fact, that these corps should form part of a system of secondary punishment.

643. What description of men should hereafter be sent to this corps of discipline?—I conceive that, after corporal punishment is done away, they will of course be recruited from those who have not been corporally punished, but a portion of whose sentence shall consist in their being transferred to this corps of discipline, with a statement showing the nature of the offence which has caused their removal; and I conceive that, after a certain probation in the corps of discipline, they should be enabled to return with a certificate of good conduct to their own corps, or such others as it might be thought convenient for the service to remove them to.

644. To the correctional corps you would transfer men from the corps of discipline whose conduct had been worse?—Yes.

645. The convict corps you would feed from the correctional corps?—Yes.

646. Do you mean that those corps should serve invariably at home?—Certainly not the convict corps; but I conceive the correctional corps should be made to work, and should be reduced in their allowance of rations and pay, and subjected to severe service, and employed as the convicts are now worked.

647. Do you propose to put arms into their hands?—No, certainly not. But the corps of discipline should not be deprived of their arms.

648. Do you believe that would so adequately correct the individuals sent to this correctional corps, by skimming off all the scum, and getting them into one mass, as by leaving them to be corrected, still mingling with men of a better class?—I think two beneficial results are obtained: first, the bad example and discredit are withdrawn from regiments; and, next, there is an invitation held out to a body of people of a greater respectability to enter the service, and that these means will assuredly tend to procure a better class of recruits.

649. The men of the correctional corps would, according to that proposition, be subjected to hard labour. Is it not natural to suppose that those men would prefer going to the Colonies, where they would be put into a corps to do duty as soldiers?—My idea is, that those men should be subjected to very severe work and discipline in those corps. That if they conducted themselves irreproachably for a certain number of years, they should be removed and discharged altogether. I would not discharge those men in the first instance from the Army, for that would be holding out a boon to the bad men to continue their bad conduct in order to get their discharges; but, after going through a proportionate period of hard work, there will be no encouragement to bad conduct, and I think they should be got rid of.

650. What class of persons would you put into the convict corps?—The men who continued in the correctional corps to be unmanageable altogether. I do not propose that they should do duty; I should say they might be sent out to work as convicts now are.

651. Why should not they be sent abroad as civil convicts?—They may be. But I must add, that I have not examined into that point, and cannot pretend to be accurate in those particulars. There might be a corps of discipline, and, instead of removing them immediately to the correctional hard-labour class at home, they might be transferred to a colonial corps of discipline, or on the coast of Africa, for instance.

652. The correctional corps at home would require troops to guard them?—I think it would be very inconvenient to have a large number of them at home, and that it would

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produce the effect we desire to remove. If the number was large, which I think it would not be, I would propose to expedite them to the Colonies.

653. You have given your opinion that the commander of an Army in the field should not lose any portion of the power he now enjoys?—My general opinion is that the commander of an Army in the field should be in the position almost of a dictator.

654. Would you give the same power to courts martial that they now have; that is, the power of inflicting corporal punishment?—I propose not to diminish any power, which, in the judgment of a commander-in-chief, he may deem to be expedient; but I think it probable that any officer of that high ability who may be selected as commander-in-chief would not, except under very peculiar circumstances, deem it expedient to resort to punishments which the Army at home were no longer accustomed to. If the lash were then resorted to, we must suppose it would have far greater effect than now.

655. When you were in the quarter-master-general's department you served in Spain, did you not?—In Spain, France, Belgium, and America.

656. Had you any opportunities of comparing the discipline maintained in the French Army, and the discipline maintained in the English Army?—That also is connected with politics. We know the French commissariat was exceedingly inferior to ours; and also, in consequence of the position in which they were hostilely placed to the population of Spain, the generals of the French Armies had greater difficulties and fewer pecuniary means probably than we had. Those might have been amongst the causes why their troops were far less disciplined than ours, in regard to plundering and pillaging. But I do not think that the French soldiers, from various causes, gave loose to the same degree of licence which may have been witnessed in times of disorganization in our Army. An English soldier commits greater and more reckless excesses than a French soldier. The French soldier plunders much more frequently, but also more systematically, and perhaps less destructively; but they were infinitely more frequently compelled to live at free quarters on the inhabitants than our troops were. It seems to have been the system of the French government to make the country in which they made war support the war. This was the Roman maxim. Besides they had not the same financial means to rely on, nor adequate depôts to resort to. The French soldier, therefore, had a right to licence, and was frequently left for support to the exercise of his own ingenuity.

657. When you advanced with the Army into France, how did you find the discipline of the French Army in respect to the inhabitants of that country?—That certainly is a very fair question; and it was not very materially improved, but that also is connected with politics. The wars of Napoleon at that time had almost ceased to be national wars. They were wars that still deeply engaged the spirit and feeling of military ambition; but the great mass of the population of France had become weary of the interminable contest, and ceased to sympathize with the imperial soldiery. From this cause, and from the severe conscriptions and other burdens they were exposed to, a species of hostile feeling had even grown up between them and their own troops. There is no doubt, however, but that their discipline was inferior to ours, even in their own country.

658. Have you known instances in France, in which the inhabitants of a village have rather looked forward to the arrival of the English Army for protection?—Yes, it was occasionally so. But, although the French Army was in its own country, still some of the causes existed which had existed in Spain, and some of these even to a greater degree than in Spain. The whole of their financial system was in disorder, and when we entered France their regular Armies were so much reduced, that a much larger proportion of the troops we had to contend with were conscripts but recently embodied, and therefore less disciplined than the old soldiery we were engaged against in Spain. I believe also that some of the inferior officers even had been withdrawn to the north, which left the army before us in a still more disorganized state than, under ordinary circumstances, would have been the case.

659. If the French, from the want of pecuniary means, were unable to supply their Army by means of their commissariat, the consequence was a discipline which might otherwise have been applied to prevent the soldiers pillaging or doing injury to the inhabitants of the country, must necessarily have been removed to enable them to obtain food?—Yes, these were amongst the causes of their lax discipline and frequency of pillage.

660. Then, in point of fact, many offences that would have been punished in our Army, must necessarily have been passed over in the French Army?—Yes, certainly; even if their system of punishment had been the same as ours, which was not the case. And even at other periods, when the means of the French Government were not in so ruined a state, they went upon the principle of making the scene of operations support, as far as possible, the war. In this respect they were far less scrupulous than we, disregarding the eventual hostility of the inhabitants exposed to those disorders, which must usually be the result of this system. But of the state of the French Army at that time, and of the feelings of the inhabitants towards them, there may, perhaps, be suggested this further explanation—that they had dwindled, in fact, from the condition of a national force into that of followers of Napoleon, actuated by violent personal ambition, rather than by any general or patriotic feeling, and hence, therefore, the increased alienation between them and the inhabitants.

[*The witness withdrew.*]

Lieut.-Colonel *John Townsend* was examined as follows:

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661. What regiment do you belong to?—The 14th Dragoons.

662. How long have you been in the service?—Thirty years.

663. Have you been always in that regiment?—Always in the same regiment.

664. Where have you served particularly, in Great Britain and Ireland, or in the Colonies?—I have served in Portugal, Spain, the South of France, and America, in actual service.

665. Have you ever been quartered in the Colonies?—Never.

666. Your service has been confined to duty in Great Britain and Ireland, and in the field?—Yes.

667. Have you ever turned your mind to the possibility of doing without corporal punishment?—Yes, I have.

668. You are aware that the punishment of solitary confinement, with or without hard labour, has been suggested as a substitute for that punishment?—I am.

669. In your opinion what effect would that substitution have upon the discipline of the Army?—With some characters it has a good effect, but with others not.

670. Have you tried it to any extent in the regiment under your command?—I have.

671. By confinement in the county prisons, or by confinement in cells in the barracks?—By confinement in cells in the barracks.

672. Have you in any instance had a man of the regiment sent to the county gaol?—None.

673. In cases where you have had occasion to inflict that punishment in barracks, have you had sufficient convenience for rendering it effectual?—In most barracks latterly we have, because there have been cells built for that express purpose in a great number of the barracks.

674. Cells in which the prisoners are strictly kept solitary and apart, so as to have no communication?—Yes, to have no communication, with the exception that they have an hour's exercise every morning under the charge of a non-commissioned officer.

675. During that time are they allowed to speak to any body?—No; they are only marched about.

676. Has that punishment been inflicted by you as commanding officer, or upon the sentence of a court martial only?—Always by the sentence of a court martial.

677. Can you state what effect that has had in deterring other soldiers under your command from committing such offences as were so punished?—I do not think that it had a very great effect, because the courts martial now are so very frequent; they are not that tribunal they used formerly to be. There is so much time between the ordering the court and its sitting, and likewise referring it then to a general officer in the district to be approved of, it has not the same effect it used to have. I have tried to do away with corporal punishment: I have tried the effect of drill within the last year; and Major Perry, who now commands the regiment, was obliged to resort to corporal punishment.

678. You have been very anxious, if possible, to do away with corporal punishment in your regiment?—I should be very anxious, if possible, to do away with corporal punishment, if any other punishment could be substituted for it.

679. And you have been very anxious to make a fair experiment of it?—Yes, and I am almost convinced it cannot be entirely done away with.

680. You speak of the greater frequency of courts martial; has that a reference to the greater frequency of offences, or has it been in consequence of the taking away from the commanding officers the summary power of punishment they had some years ago?—Decidedly the latter, the taking of the power away too much from the commanding officer.

681. Are you of opinion that the restoring of that power to the commanding officer would have a considerable effect upon the discipline of the regiment, and tend to do away with the necessity of so frequently resorting either to solitary confinement or to courts martial?—Yes, I think it would.

682. When the punishment of solitary imprisonment is inflicted, is the sentence read at the head of the regiment?—Always.

683. And the man conveyed from the parade straight to his place of confinement?—Always.

684. Have you found that that execution of the sentence appears to have as great an effect upon the minds of the other soldiers, as an example, as the infliction of corporal punishment with the same ceremonies?—The infliction of corporal punishment has more effect upon the men certainly.

685. As you have endeavoured to do away with corporal punishment in your regiment, it is to be supposed that there are fewer men who have actually undergone that punishment in the regiment than in most others?—Fewer men certainly have undergone it. We have had four courts martial in the regiment since the 1st of April, 1834: one was on a non-commissioned officer, a serjeant, for making away with money intrusted to his charge, when on detachment; another was on a non-commissioned officer at Maidstone, a corporal; he was tried by a district court martial. Another, a man, for being absent from his post on sentry, at Longford; and the other was a private (since I have been absent from the regiment) for disobedience of orders, and received corporal punishment. Both the non-commissioned officers were reduced, and one sentenced to six weeks' solitary confinement. One of the privates underwent six weeks' solitary confinement in the barracks, and the fourth was punished.

686. How many lashes did he receive?—One hundred and seventy, by the sentence of a district court martial.

687. Solitary confinement, meaning confinement completely alone, with the exception of one hour's exercise?—Yes.

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688. Is there any light?—There is a small light from a window above their heads. The surgeon of the regiment of course visits the prisoners.

689. Have you known instances of men, who have been corporally punished, acquiring subsequently a good character in the regiment?—I have.

690. Is that frequent?—I know but one instance of it in my own regiment. A man was punished: he was a very fine young soldier, very young indeed, and he got on to be very quickly a non-commissioned officer. He was reduced as serjeant, and remained a private, and was punished as a private, and is now a troop serjeant-major in the regiment. He has completely redeemed his character, and I have not had occasion to say a single word to him since I promoted him.

691. For what sort of offence was he punished?—For being drunk and mutinous.

692. What age was he when this punishment took place?—I should think about eight-and-twenty.

693. Had he been long in the service then?—He came as a boy; he was one of the first boys that came to us from Chelsea school. He distinguished himself in the battle of Salamanca, and is referred to in the Duke of Wellington's despatches.

694. When a man has been once punished, does it appear to have degraded his character, and that he has lost his own self-respect from it?—In some instances that is correct; I have known it; but not in general.

695. Can you speak to the feelings of the other men towards those who have been corporally punished?—I do not think they ever taunt them with it.

696. If the offence for which they have been punished be a disgraceful one, the effect is perhaps different from the case where the offence is merely military?—Certainly.

697. You think the disgrace attaches rather to the crime than to the mode of punishment?—Yes; I know an instance of a private, that was a very bad character in the regiment, and had been very impertinent, always speaking to non-commissioned officers. The regiment was very much dispersed about four years ago, and he struck a serjeant. I brought him to a regimental court martial, and he was sentenced to receive one hundred lashes. It was at Gloucester: the mayor of Gloucester heard of it, and came and begged me to forgive the man. At his intercession I did forgive the man the corporal punishment. He thanked the mayor; and since that time the man has not committed one single fault. I have known young soldiers forgiven, in some instances, who have turned out remarkably well.

698. In those instances do you think the fear of punishment had the effect of correcting the individual?—Yes, I think it had.

699. If, in those cases, the punishment of solitary confinement had been resorted to, do you think a remission of that punishment would have had the same effect?—No, I do not indeed.

700. Have you had many instances of renewal of offence after flogging in the same individual?—Not since I commanded the regiment.

701. Have you had many renewals of offence after solitary confinement?—Yes, we have.

702. From that observation, the impression upon your mind would be, that the one punishment had less effect upon the mind of the individual than the other?—I think the solitary confinement has less effect upon the mind of the man than corporal punishment in improving him; and also by way of example.

703. Have you any idea that the infliction of corporal punishment in sight of the men has an injurious effect in rather exciting sympathy on the part of the soldiers?—No, I do not think so. Corporal punishment is not resorted to except in very extreme cases.

704. On those occasions you have not observed that it has excited sympathy in the minds of the men?—No.

705. On actual service in the field, do you conceive it possible to do without the power of inflicting corporal punishment?—Decidedly not; I am confident we could not.

706. On the line of march in England?—I do not know what, in that case, can be substituted for it.

707. You do not conceive the handcuffing a man, and marching him in that state, or the remitting him to a place of confinement, would have that effect upon the minds of the soldiery which the immediate occasion might require?—No; some characters would be very glad to be confined on the line of march, and not have their horse to clean, and so on: they would like to lie there for a month, while others did their duty for them.

708. Have you ever known complaints made by the men of the additional duty imposed upon them in consequence of the solitary confinement of any of their comrades?—No, I never have.

709. Who takes charge of the horses of the men when they are under confinement?—They are taken in charge by the rollster.

710. Has that additional duty imposed upon them ever led to any complaints?—No, I never heard of any. A man who is in confinement never pays any thing for his duty being done.

711. Have you found, in towns where you have been quartered, that there is a strong feeling on the part of the public against the corporal punishment of soldiers?—There is a very strong feeling against it. In Gloucester we were all in billets, and I was obliged to take the men out four miles. The mayor interceded, and I forgave the man, and he has turned out a remarkably good soldier ever since, which previously he was not.

712. Have you met with other instances of the existence of that feeling you have referred to?—Only at Gloucester; that is the only place where I had an opportunity of learning it.

713. Have you been quartered at Manchester?—Yes, and Leeds; but we were in barracks there, and the civilians knew nothing of it, and the man was punished in the riding-school.

*Lieut.-Col. John Townsend.*

714. In Gloucester, supposing the sentence had been to solitary confinement, how would you have put it into execution?—Then he must have gone to the county gaol, or have been sent to our depôt: our young men and our young horses were at Coventry. There was a man sentenced to solitary confinement from Gloucester, and I sent him to Coventry for his imprisonment. I am perfectly convinced that solitary confinement in barrack prisons is far preferable to sending them to the county gaol.

715. Were there more irregularities the year you were in Gloucester than when you were in barracks?—There were.

716. Had you any corporal punishments that year?—Two, besides the man that was forgiven.

717. Those were inflicted?—Yes.

718. And you found there was a considerable feeling against that punishment?—Yes: there were two tried for being drunk and disorderly at Bristol, where we had a squadron; they were tried by district court martial, and sentenced; one to receive one hundred and fifty, and the other one hundred lashes. The court martial was approved of by Sir Richard Jackson, who commanded at Bristol, and he left to me to inflict the punishment, or to remit what part I pleased. I got leave, and marched the men into the county gaol, and I gave one seventy-five, and the other fifty lashes; and I was abused myself on coming out of the gaol by the civilians.

719. Had you any opportunity of observing the effect that feeling, on the part of the civilians, had on the men under your command?—No, I had not.

720. What is your opinion of the effect of the canteen system? do you think it tends to increase drunkenness, or to decrease it?—I think the canteen system is the best; that it tends to diminish it; that is to say, that it is brought within the observation of the commanding officer. A man goes from the canteen quietly to his room, whereas, if he is out, he may get into a scrape.

721. Does any mode occur to you of preventing drunkenness in the Army?—No.

722. The greater part of the offences in the Army arise from drunkenness?—Yes, certainly. There is one thing I would recommend: if a man is drunk, let the commanding officer, on the evidence of a serjeant or two steady men, fine the man at once in a limited sum, and let it go to the hospital, or to the regimental school, or some regimental fund, for the benefit of the corps.

723. That would arrest drunkenness immediately?—Yes, the moment it was seen: let the men be brought up the next parade after his confinement:—"You were drunk on such a day: I fine you half-a-crown, and let that go to the fund, and confine you to barracks"—for any limited period.

724. Is drunkenness, except on duty, punished practically?—Yes; if a man gets drunk now, he remains out till he is sober, and then comes into the barracks, so that he may not be tried for habitual drunkenness.

725. Have you ever turned your mind to the possibility of establishing an order of merit, descending to the lowest ranks, with the view not only of encouraging the men to good conduct, while in the service, but also to induce men of a better class of life to enlist?—I think it would be an admirable plan. We have now an order: a man gets a silver medal and £15 gratuity, under the regulations, when he is discharged; but it has not the effect it ought to have, because the man never receives it till five or six months after he is discharged. If it was given at the head of the regiment, when he was discharged, it would be very beneficial in its effect. I know two instances of that delay myself: men writing, after they had received their medal, to thank me for it.

726. Supposing the commanding officer had the power of recommending a soldier who had served a certain time with good character to obtain this order of merit, and that he received the medal or riband of that order at the head of the regiment, do you think that it would have a good effect?—I am certain of it.

727. And you would have it done in public?—Yes, on parade.

728. Do you think that the result of such an order would be an inducement to men of better description to enter the Army?—I think it would.

729. If that was coupled with certain privileges in case of discharge after a certain number of years of good conduct, do you think that would also have an effect?—Certainly.

730. Do you think pensions are so indiscriminately distributed now as not to have the effect of being a distinction?—Yes, I think they are.

731. That they are given as a matter of course, where there is not anything against the man?—Yes: if he has completed his service, he is entitled to his pension. They do not look to his character, or take the recommendation of the commanding officer. If he has served twenty-four years in the cavalry, he receives it, though his character is never so bad. If he has a bad character, they tear off that part of his discharge which contains his character. The Board to whom he goes do not care what his character is. If his character is bad it is not regarded, but it is torn off.

732. The corporal punishments have decreased since you first came into the Army?—Very considerably.

733. Do you think that has tended to give you a better class of persons as recruits than you had formerly?—No; I do not think it has made any alteration.

734. Are your recruits mostly from the agricultural or the manufacturing population?—The men are mostly Wiltshire, Gloucestershire, Warwickshire, and Shropshire men. There are some Irishmen.

735. Agricultural labourers?—Yes; some, however, are from Birmingham.

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736. Do you find the recruits from the agricultural or the manufacturing population the most easy to manage?—The agricultural are the best for our service, the cavalry.

737. Supposing that there were more facility given for private soldiers to rise through the ranks, and the non-commissioned officers to those of officers, do you think that would have a beneficial effect in respect to the class of men you would get for the Army?—Yes, I think it would have an effect in some degree.

738. Have you had any instances in your regiment of men rising from the ranks to commissions?—Yes; we have two now, the adjutant and the riding-master.

739. But none to any rank higher than those?—We had one who rose to the rank of captain, who is now paymaster of an Hussar regiment; he was six years and a half from being a private dragoon to an officer.

740. Was he a man of a better condition of life when he enlisted than the common run of men?—He was a North-of-Ireland man; I think he was in the linen trade.

741. A man of some education?—Yes, tolerable education. He was of a better description of men. He got his troop for nothing.

742. What led to his preferment?—He was in the 16th Dragoons, and got to be serjeant-major. We wanted an adjutant, and he was recommended by Colonel Pelly, and rose to be captain, and then exchanged to half-pay, and afterwards got the appointment of paymaster.

743. Have you known such persons rise to rank above that of captain?—I do know one instance.

744. Is that person a distinguished officer?—Yes; he is major of a regiment of cavalry at this moment.

745. Was he originally a person of a better rank of life?—He was.

746. Had you ever recruits among those of rather a better class, poorer gentry or yeomanry?—Yes, I had the son of a clergyman.

747. Are those persons generally better conducted than the lower class of persons?—Yes, they are.

[*The witness withdrew.*]

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*Monday*, 30*th March*, 1835.

The Right Hon. Lord WHARNCLIFFE in the Chair.

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Major *Aubrey William Beauclerk*, M.P., examined as follows:

*Major A. W. Beauclerk.*

748. Are you on half-pay?—I am.

749. What has been your service in the Army?—The first service I undertook was going out to the 62nd to Halifax. I was there about a year and a half, and went then up with the Duke of Richmond privately, he being a relation of mine, to Upper Canada, where he died; and I then came home through America. I was appointed aide-de-camp to Sir Thomas Maitland, and went out with him three years and a half, and served at Malta and the Ionian Islands with him, and was also deputy-adjutant-general there. I then went into the 99th; we raised it at that time. I was two years and a half in that regiment. We adopted the principle of not flogging. I believe in that regiment there was no flogging while I was there.

750. How long were you in it?—Two years, or two years and a half; but I had understood that they had not flogged for many years in the regiment; so an officer told me.

751. What is that officer's name?—Captain Gaynor. I understand from Captain Gaynor that there was no flogging in the depôt companies in England (after the regiment went abroad) for some years: he has just left it.

752. Your regimental service has been how long in the 62nd?—I was two years in the 62nd on regimental service, and two years and a half in the 29th, I believe.

753. You were a subaltern in the 62nd?—Yes, and captain in the 29th.

754. You say, "we raised the 99th;" what do you mean by that expression?—I got a commission in it when it was raised. We were sent to Glasgow; we there raised the men. They were men generally of baddish character, weavers, and men of that description; therefore we had a good deal of trouble with them. We afterwards enlisted a great many Irish lads in Ireland; some men will say we could not have more difficult men to deal with.

755. You say you did without corporal punishment in that regiment?—As long as I was present with it there was none.

756. Were there any courts martial?—Yes, there were.

757. Were there any sentenced to corporal punishment, though it might not have been inflicted?—I am not certain, for I was often on leave for a fortnight or three weeks at a time, visiting in different parts of Scotland, but that was the general feeling. Colonel Balvaird was very much against flogging. He was one of the most gallant officers who served in Spain; he was very much beloved by the men, and had great power over the men.

758. His object was to do without corporal punishment?—Yes; and, as far as I know, he succeeded. He left the regiment just before I left it, on his brother's death, on promotion, I believe, and deprived the service of one of the best officers I ever knew.

759. According to this principle, what punishments were substituted for corporal punishment?—He substituted sometimes solitary confinement. At Parson's Town, where we were for a year, they used to imprison in solitary confinement several men, keeping them in the barracks: but he used to complain that the system in the Army wanted alteration, for that we could not get rid of men. I recollect a man of most infamous character: it is a fact that

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he was regularly bullied out of the regiment, and forced to desert, and then we sent out men, though not to catch him again; the men would not stay in the barrack with him. This system is no encouragement to good men. It is most difficult to get rid of a blackguard.

760. And he believed in the practicability of substituting solitary confinement, or some other punishment, for corporal punishment?—In time of war it may be, perhaps, quite necessary.

761. He considered that circumstance as standing in the way of such a substitution?—Yes; it was always one of my principles, that, if it were adopted, it would be necessary to give the men some honours and some chance of promotion.

762. When he confined those men in solitary confinement in Parson's Town, how was it effected?—There were solitary cells in the barrack there, it being a very fine barrack, built by Government, and there were regular gaols for the men.

763. Did you find that to be the case generally where you have been quartered?—No, not always. At Corfu they had solitary cells. I have seen a very good effect from it. I have heard the doctor say that he had known two or three very drunken fellows who were cured by it. They went in with the impression that if they were kept sober it would kill them, like persons who had taken laudanum, who have thought that they could not do without it; they felt much at parting with it: but they have been cured, and come out good men, and in excellent health.

764. That arose from the impossibility of their obtaining spirits, that their health was benefitted?—Yes.

765. Was it solitary confinement without or with hard labour?—Generally without labour. I do not think we had room for labour, with the accommodation for carrying it fully into effect.

766. Then, supposing that the punishment of solitary confinement, with or without labour, were substituted in the English Army, would it be necessary to have prisons?—I think, in many barracks, solitary cells might be substituted. In large garrison or depôt towns it would be necessary to have some kind of temporary prison; but I own that my general feeling is that it cannot be effected unless there be a general change in the Army as to some kind of promotion, that a man might look forward to some kind of honour. I do not say that, without promotion, it would not be difficult to induce good characters to enter. In the artillery, where flogging is not inflicted, they have better men.

767. Are you sure that corporal punishment is never inflicted in the artillery?—I have never observed any in the garrisons in which I have been. I suppose they have the power.

768. Are you to be understood to say that your confidence in the change of punishment would be greatly strengthened by some regulations which should hold out greater inducement to persons of a more respectable class to enter the Army?—Yes; I believe in the French Army there is a regular promotion from the soldier to the corporal, the corporal to the serjeant, and so on; and even promotion into the higher ranks.

769. You are aware that, in the French Army, the recruiting is not as with us, but by ballot?—Yes.

770. That of course includes all classes?—Of course.

771. Do you think it would be beneficial to introduce that system into this country?—I cannot say; but it strikes me that we want an improvement generally; and, if that was effected in peace, there would be good men, if there was a hope of promotion, and you could get rid of the worst characters. Nothing is more grating to a man's feelings than to associate with men of that caste, and to feel that the good and bad are treated alike.

772. Constituted as the Army now is, are you of opinion it would be safe to do away with the power of the infliction of corporal punishment?—I think it would be wise to abolish it in time of peace, and to place the foundation of the Army on a better footing than it now is. In time of war I think it cannot be done without; for, the moment you declare martial law on service, I think it may be necessary.

773. Do you mean in time of war in this country or abroad?—Abroad on service.

774. When you were in Halifax, was your regiment all quartered together, or divided?—I think at first it was all quartered together. I was on a detachment when I was called away to join the Duke of Richmond: but, when I first joined the Army, the flogging in Halifax was quite dreadful. The system of the Army has very much improved since that period to which I refer. There was not a morning that I was not turned out at six o'clock to witness three or four floggings. In that garrison there were two or three deaths while I was there; they were foreigners, who committed suicide rather than be flogged. I recollect a grenadier, a very fine young man, who shot himself rather than be punished.

775. The practice of flogging has been very much diminished since that time?—Yes; if you keep the power, I think nothing can be better than the discipline of the Army as regards that now. There is a general humane feeling throughout all corps.

776. You say you were on detachment when you were called away to join the Duke of Richmond?—I was on a small island at the head of the bay.

777. How many men were with you?—Only half a company.

778. How far from Halifax?—About five miles.

779. If a person committed an offence, he was easily transmitted to head-quarters?—Yes.

780. You have never been detached so as to make it difficult to send a prisoner there?—No.

781. You have never been on actual service in the field?—No; except at Zante, where we had a little skirmishing with the Greeks; one officer and a few men wounded.

782. There you were with a garrison?—Yes; we were sent down to disarm the inhabitants, but there was no active service. But I have never maintained that, on service, it could be done away with: I think it stands to reason that the officers must then have additional powers.

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783. You are not aware how far there may be facilities in the Colonies, or not, for substituting other punishments for that of flogging?—I think, in all the Colonies I have been in, except out-posts, there are generally private cells, but they are not always the sort of cells I should like to put soldiers in. In Corfu I used to visit them; they were cut out of a rock, done by the French Army, and very damp and cold, and certainly very cruel. I recollect a soldier who was condemned to be shot, and was shot: I visited him every day, and he was certainly in a very miserable situation. That cannot make a man better, I should conceive.

784. Can you speak to the effect of corporal punishment on the characters of individuals?—I think that is very different; that on a very profligate good-for-nothing fellow it sometimes has a good effect; but I have seen it have a very contrary effect on some individuals: on the really good soldier, who has by misfortune fallen into an error or breach of discipline, it has a very bad effect. I recollect a fine grenadier in my corps, who had been 16 years in the service. It was about the time that that occurred which I stated in the House of Commons, where Colonel Goodrich put Captain Brooke and me under arrest for not finding a man guilty. That individual was the very man that I spoke of afterwards, that was tried; a man that I knew very well in the regiment. First of all, my conviction was very strong that he could not be guilty. He said, "If you had flogged me, sir, I should either have shot myself, or it would have broken my heart."

785. What was the offence with which he was charged?—Stealing something in the barracks; it was proved afterwards to be another soldier who did it.

786. It was not a mere military offence, but a disgraceful one?—Yes.

787. Therefore there would have been the disgrace of the offence as well as the punishment?—Yes; but I think that is generally the case: that it may cure a good-for-nothing scamp, but that any thing like a good man will be injured by it. In former times it was not so; we were obliged to flog men for sleeping on their posts in North America; sometimes the best men, but who had been almost frozen on their posts: it is very difficult to keep awake during those dreadfully cold nights. I remember speaking to a man at Halifax, who stated that he was very active on his post till he went off suddenly into a trance; and he was almost frozen to death when he was found. Formerly the officers were obliged to flog them; now they have a power of remission, I believe, if they think fit.

788. Was not it the custom to relieve the men at very small intervals?—Yes; but we have had many of them frozen to death, and the doctor told me that a deep trance was the forerunner of death. The officers had not, at that time, the power of saving a good man from flogging.

789. With regard to the effect of corporal punishment as an example to other men, what is your opinion of it?—I think it is a bad example. I have seen men, generally speaking, turn with disgust from it, and I think that is one of the worst effects it has; that, if they are to be flogged, it would be better to flog them more privately. I have seen men and women at the windows screaming and crying, and soldiers turning round disgusted. That, I think, is a very bad part of this punishment, particularly in public places, but that is now a good deal given up.

790. Supposing there to be some repugnance felt by the soldiers, has it no effect upon them by way of example?—It may, on a few; but I think, generally speaking, they are the very bad; and that those very bad, during a peace, would be better out of the Army.

791. Taking a good man, will not the seeing that punishment inflicted, with all the ceremonies with which it is inflicted, have a tendency to keep him in that respectable line of conduct he has hitherto adopted?—I certainly think it must have some effect, but not so good an effect as that more natural and humane one which holds out to him the prospect of bettering himself by a better line of conduct.

792. May not a man not only be induced by these circumstances, but deterred by others?—It may be so to some extent, but we never could try the effect of it except in time of peace. I admit there is a very great difference of opinion; many officers do think differently from me, but in the House of Commons I felt bound to follow my own convictions.

793. You think it would be well to make an experiment, but you do not speak with entire confidence as to the result?—Just so; and I certainly do not speak with confidence of it, without reference to the adoption of a system of honours, rewards, or promotion.

794. With reference to the imprisonment of soldiers in county gaols, you disapprove of that?—Yes; I think it would not have a good effect in improving the men.

795. What is the general nature of the promotion you refer to?—In the first place, to allow the soldier to rise to a lance-corporal; then to a corporal; then to a lance-serjeant; then to a serjeant; then to a serjeant-major; and, occasionally, promotions into the Army, with commissions, or fair retirements, after a certain number of years, and respectable conduct.

796. Is not that the case in the Army now?—Very rarely. There are some few serjeant-majors, but it is more conferred on those who have interest, and on particular men for whom officers have formed a partiality. It is not that which the soldiers can look forward to, in going into the Army, as a certain reward for good conduct. There may be difficulties as to promotion in that way, but we see it in the Prussian and the French Armies, and I cannot help thinking it would have a good effect, generally speaking, in ours.

797. With respect to rewards, have you ever considered the question of an order of merit, descending to the lowest ranks?—I think it would be an excellent plan. Any kind of promotion or honour naturally leads men, particularly in that class of life, who are not philosophers, to a good line of conduct.

798. Have you considered also the subject of giving to the discharged soldiers who have

*Major A. W. Beauclerk.*

behaved well certain civil privileges, such as the right of voting for Members of Parliament?—No, I never thought of that plan. It might not be bad; but soldiers are so little politicians generally: still, looking to that as raising him in the scale of society, the soldier would feel it a privilege, no doubt.

799. With respect to the court martial of which you spoke, you say that you were put under arrest because you did not pass a sentence agreeable to your commanding officer?—Mr. Brooke, myself, and a captain, whose name I do not recollect (we were quite boys when we went out to the Army), were desired to try this man; and I believe we differed from the captain. It was sent back to us, and we refused to alter our opinion. It appeared we were right afterwards, but it was thought to be obstinacy on our part.

800. How long had you joined the regiment?—Only four or five months. It might appear wrong to the colonel. We were put under arrest for two days. Lord Dalhousie was there, and I remember it was a joke there in the regiment that we were to be sent back to England. We were very thoughtless boys. I do not mention it against Colonel Goodrich, for a more excellent man never existed.

801. Was there no other reason for putting you under arrest than the vote you gave?—No, none whatever that we knew. The day we came out we dined with the colonel.

802. Had you ever sat upon a court martial before that time?—I think once before that; but I had always a strong enmity to punishments from the time I first entered.

803. You are aware that there are now regulations which prevent an officer sitting on a court martial until a certain period of service?—Yes, and I think it is a very excellent regulation.

804. Do you recollect whether Lord Dalhousie was made acquainted with your being under arrest?—I understood he was.

805. Did he take any notice of it?—No; we were released on the second or third day. I remember that Captain Brooke and I, who were then wild boys, broke our arrest and got out, and were out all the evening. We did not know much about the laws of arrest then. But I mentioned this when there was a strong discussion in the House upon courts martial in the Bill for Ireland.

806. Did you ever know another instance of the same kind?—No; but I know the Army was at that time on a very different footing in foreign Colonies from what it is now.

807. In what year did you enter the Army?—I think in the year 1817.

808. You state that a course of promotion would be a great inducement to good men to enter the Army; are you not aware that that is very much the course now?—Yes, but that is more a matter of caprice, I think, than it should be.

809. Do they not take the best men?—Yes; but I think there should be a course of seniority, if the senior is a good man.

810. He must be recommended by his commanding officer?—Yes.

811. So long as it is looked upon as a right that a commanding officer, either of a company or of a regiment, should recommend persons for promotion, their promotion must depend upon the opinion they have of the individual recommended, and in some degree upon their caprice?—Certainly; but, I think, if the general rule was seniority, unless it was stopped by the colonel, it would have a better effect upon the men.

812. Supposing that there are two corporals, equally well-behaved men, but one a much more intelligent person than the other, do you mean that you would prevent the commanding officer recommending the more intelligent man?—I think something must be left to his discretion, that there might be an improvement in the constitution of the Army in that respect.

813. Is it possible, considering the responsibility resting upon the officer, and the discretion which must necessarily be confided to him, of the best men being appointed, that the order of seniority can be invariably adhered to?—They cannot invariably adhere to it. They have, in the French Army, a great number of promotions into the upper ranks.

814. Does it go further than the general rule, leaving it open to the commanding officer, by his opinion, to regulate it?—I believe that the senior takes it, but leaving the commanding officer to object, if there has been anything in his conduct showing he is not worthy of promotion.

815. Seniority seems to be one of the ingredients on which the judgment is to be formed?—Yes; there is no doubt, if it was tried, it must be tried with as many inducements as possible to interest the men in the service. In addition to the evidence I have given I should wish to say that it appears to me that much benefit would accrue to the service, and lead to a better sort of men entering the army, if, besides honours, retiring rewards, and promotions for good conduct and long services, taking the place of corporal punishments for bad conduct, it was permitted also for bad and unruly men to be sent out to serve in the Cape corps for a term of years, or for life, according to their crimes (keeping still in that corps the power of military punishment). You would thus get rid of that argument, that to drum out bad men would induce others to become bad to get out of the service. Only put the soldier on a level with other professions; let him have something to look forward to, some inducement to good conduct, some hope of an old age of comfort and of honour, and you will not want in this thickly-inhabited country recruits; but, whilst you offer neither—a mere subsistence, with the chance of punishments and degradation—how can you expect the service will be popular to good and industrious men?

[*The witness withdrew.*]

*Joseph Hume*, Esq., M.P., was examined as follows:

*Joseph Hume, Esq.*

816. You are understood to have given a strong opinion with respect to the infliction of corporal punishment in the Army?—I have.

817. Will you state the grounds of your objection to that punishment?—It is now about forty years ago since I witnessed the first corporal punishment.

818. You were then a surgeon in the Army?—In the Navy at first; and I have since that witnessed its operation in the Army, both in time of peace and in time of war; and I have had opportunities, not only of attending punishments, but of knowing the sentiments of those who were punished after they had received their punishments. I have had, at other times, a good deal of communication with non-commissioned officers and men expressing their opinions upon the advantage and disadvantage, both as respects the moral character and the discipline of the Army, which it was necessary to maintain. The result has been in my mind a conviction that the principle on which the discipline of our Army has been maintained has been entirely erroneous; and that an attempt to govern men satisfactorily by coercion or punishment alone, without combining rewards and emoluments, was impossible. I have thought, in the course of the observations I have made, that I have distinguished the immediate results of the different practices; that is, the practice of simple coercion, and the practice of coercion with encouragement or rewards combined. During six years I served with the Bengal Army, during the greater part of that time in Bundlecund: we were in the field in active operations; we had both Europeans, and natives of India, Bengal troops, with us.

819. At what period?—From 1801 to 1808. I had an opportunity, before going to the field, of observing the effect of corporal punishments in the military cantonment at Dinapore, where I was cantoned for some time, and where the Company's European regiments and the native troops were both quartered. I afterwards, in the field, had Europeans, and the Company's service artillery, and infantry, and native troops, under my charge professionally at the time: I also was a staff officer with the detachment during the whole time. I may say that, for six years uninterruptedly, I belonged to one regiment, and other corps were immediately under my medical charge, and in the detachment where I was, and I never knew an instance of a corporal punishment in the regiment to which I immediately belonged, the 18th Native Infantry. Indeed, to the best of my recollection, I never knew a corporal punishment of any native, even in the field, during the time I was there; but during that period punishments of Europeans in the Company's service were almost daily. I may say also I had a portion of the 8th Dragoons some months, on a march with Lord Wellesley, up to Lucknow, I think in 1801 and 1802. They had likewise their punishments, but not flogging. I found in the three services, the Native Sepoy service, the Company's European regiment, and the Company's artillery, a very considerable difference. I found in the Company's European infantry punishments extremely frequent. Drunkenness was frequent in the European artillery, but by no means so frequent as in the infantry; whilst in the native regiments, speaking from my recollection at this moment, though I have seen native officers broken in front of the regiment and dismissed, I do not recollect that I have ever seen a native flogged. I had two thousand Sepoys in two battalions immediately under my medical charge; and, as staff officer, I do not think the punishments could have taken place in that detachment, including our own regular troops, seven thousand, and other irregular native troops, about eight or nine thousand, without my knowing it. The reason for that difference appears to me to be this:—in the native corps every officer rises from a private, through all the gradations, to the highest officer, the subadar or captain—there was no higher rank at that time in the native corps. I found the greatest attention paid by the soldiers to maintain a good character, and to attend to the most trifling punctilios of duty, from the private upwards, because his hope of promotion depended, not on his conduct for one day, or for one year, but in a continued series of good conduct, which was well known to the officers of the company, and through them to the commanding officer. As a means of being well acquainted with the conduct of the men, I may state that each company is in charge of an European officer, and, however young that European officer may be, he commands the company. The subadar, or native captain, whatever his standing may be, reports, on every occasion, to him, by which the details of the company are well known to the European officer at its head. I may add that they are very seldom changed, so that the character and conduct of every private and non-commissioned officer are perfectly known in each corps. The succession of European officers proceeds in each regiment till they become lieutenant-colonels, when they are promoted in the line, and may then be removed to any regiment. The native officers never change their regiments unless on occasions when new corps are raised; and then each class, when drafted, obtain a step: the havildars are made jemadars, and the jemadars are made subadars. The object, throughout the native corps, being emulation and promotion, a selection of the best men and officers is made as a reward for their good conduct. One circumstance struck me forcibly during the whole period we were in the field, very often under great privations, surrounded, occasionally, by Pindarrees; but we were never without thirty or forty natives as candidates to take the chance of casualties for admission as privates into our corps. There was one period in the year, called the invaliding time, when a committee of military and medical officers examined the sick and infirm; and those who were unfit for duty were discharged on pensions. During that period, particularly, we had a very considerable addition of volunteers, and in the selections which were made to fill vacancies the relatives of the native officers had always the preference; and that seemed to me, also, to have an excellent effect on their future conduct, there being a superintendence, a kind of family connexion, throughout, which guarded against those irregularities which otherwise, from inexperience or vice, might have taken place.

820. A sort of paternal feeling?—Yes; the consequence was that military punishment

was not necessary. The only punishment, and the greatest they feared, was dismissal from the service, or their promotion being stopped. I do not know to what extent the stopping of promotion may be carried in native corps, but I have known instances where misconduct was visited by a temporary suspension of their promotion; and, I think I may say, that it had the very best effects. Being at that time paymaster and Persian interpreter to the commanding officer, and speaking the Hindûstani language fluently, I had, perhaps, more intercourse with the native officers, and with the men, than falls to the lot of most individuals. Being always one of the commanding officer's staff, and performing my duties also as the surgeon, often of a very large portion of the detachment, I had many extensive opportunities to judge by; and the impression made on me at that period has continued,—namely, that the discipline of the Bengal Army was better maintained by the hope of promotion and of ultimate preferment than by any coercive means that could have been used. Thus, if I am correct, the discipline of the Bengal Army, at the time I was there, was principally supported on the principles of reward and emulation more than of punishment. I was sorry to learn that, afterwards, the practice of corporal punishment, on natives, extended to a frightful degree.

821. In what year did you leave India?—In 1808.

822. At that time was there a power of inflicting corporal punishment?—Yes, the power of courts martial by native officers on natives. As interpreter, I officiated not only at European courts martial, where natives were examined, but at native courts martial, where Europeans were examined; and I had thus frequent opportunities of forming my own opinion upon these subjects, in addition to the other opportunities I had. I have in my hand a memorandum that the flogging of natives had, after the period of my leaving India, increased to a very considerable extent. I see, in the minute of the court martial held at Dinapore on the 12th of September 1825, a man was sentenced to 1,900 lashes, on two charges of insolence and insubordination, and remitted by Sir Edward Paget to 1,250 lashes.

823. Was that during the mutiny?—No; in 1829, during the mutiny, a number were sentenced to seven hundred and fifty lashes. I mention that only to shew the sudden change which afterwards took place, by general order, dated Calcutta, 19th March, 1827, when his excellency, Lord Combermere, was pleased to direct that no native soldier should in future be sentenced to corporal punishment, except for stealing, marauding, or gross insubordination. I mention this to shew that, after the period of my leaving India, there appears to have grown up a practice of frequently punishing natives with the cat, which led to this order; and, if I judge from that order, the practice had not been found to produce the beneficial results which were anticipated from it. My opinion therefore is, that the discipline in that service has been carried on more by reward and by promotion than by punishment. Previous to the year 1808, with regard to the European soldiers in India, I scarcely ever found a man who was punished, afterwards so very attentive to what he did; and I have often been told by them, after their punishment, that they were lowered in their own opinion, and never could hold up their heads again. Indeed, so convinced was I at that time, that I have again and again questioned men who had been punished, and even followed their course after the first time, as well as after a subsequent punishment—and, in the Company's European regiment particularly, I may say that men, after being punished two or three times, became perfectly indifferent to what they did. The consequence of more frequent flogging in the European regiment was, that, of the number of situations where Europeans are employed in the general military service of the Company very few were taken from the European regiment compared with the number taken out of the artillery. The artillery-men, with whom I have conversed, seemed to me generally to look forward to promotion. There are non-commissioned officers for the magazines, commissaries, conductors (as they are called in India), serjeant-majors, and quarter-masters, serjeants of native corps. All these were objects of ambition and of promotion; and I would say that the greatest spur to good conduct among the Europeans, was the hope of being distinguished, and taken from the regiment and promoted to one or other of those situations. I may also observe that the uncertain state of martial law, which does not make sufficient distinction in the degree of punishment for different offences, is a great difficulty interposed in maintaining the discipline. I mean to say, that a very trifling offence at one period may be punished with two or three hundred lashes, whilst, at another time, a gross and severe offence would scarcely get fifty or a hundred lashes. It does not appear to me that the articles of war have made that separation of offences into classes, by which parties can be punished in proportion to their offence: for example, where drunkenness might be punished with extra drills, or in any other way not to degrade as corporal punishment does. I have known individuals punished for drunkenness, almost a first offence of the kind, and that has been attended rather with the destruction of the character and spirit of the individual than with improvement of discipline. There has appeared to me, in many of those who chose a soldier's life, a degree of spirit and feeling which is seldom properly appreciated and valued: of those who enlist as soldiers, a large portion of the best are high-spirited young men, discharging humble employments where they have been brought up, who become unwilling to drudge on, and on some sudden freak of dislike, or from a desire to leave their homes and see foreign countries, join the Army. I believe a large proportion of the men who enlist are of that class, and that they may be led by kind treatment to behave well; whilst the degradation which follows a corporal punishment has a greater effect on those ardent and fine spirits, than on others stupid and dull, or criminal. I think that those who have been guilty of bad acts before joining the Army are careless about punishment; and I fear that it really has less effect in preventing the repetition of offences than is generally believed. And, with the finer spirited young men, I think corporal punishment has generally, as far as comes to my knowledge, only tended to break their spirit, and make them more

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indifferent to their future conduct. The opinion, therefore, I have given, is, that corporal punishment, for one instance where it deters from a repetition of the crime, injures the feeling, and damps the ardour of spirit of nine individuals who suffer the punishment, and consequently has not the good effect intended. I might exemplify this by a number of instances; but I will only state the general result in my mind, that it would be much better to discharge every man who was guilty of insubordination or serious offences, after the ordinary trials by extra drills, by solitary confinement, by transfer to a convict regiment, or to foreign and garrison duty, of the advantages of which various instances have been stated in different countries, and if all these fail I would rather dismiss the man altogether than subject him to corporal punishment, with one exception only, that of stealing, which I have found much detested by soldiers; and I have never found a sympathy, on the part of the soldiers, for any corporal punishment for that offence. Whilst they witness the punishment for thieving with a degree of satisfaction that I have been surprised at, they never can be brought to think that they ought to be degraded by the cat for what they consider a hasty word, a little irregularity as to drinking, or any other conduct of that kind; and I would rather, therefore, after trials such as those I allude to, dismiss the individual. Some years ago I had an opportunity of meeting an officer belonging to Wirtemberg; he had been, as he informed me, adjutant-major, or one of the staff officers in that service for a considerable time. In consequence of the motion I had made in the house, he, being then in England, requested to see me, and stated that the then king of Wirtemberg had never permitted, from the day of his accession, one soldier to be flogged; that his predecessor had encouraged the practice to an unmerciful degree: and that officer stated as the result of his observation during four or five years, that the discipline was better maintained after the abolition of flogging, than it had been before, and that there were fewer serious offences committed after the abolition of corporal punishment, than there had been before, when corporal punishment was inflicted. I asked him what means were adopted: he said, extra duty, working with logs to their legs, imprisonment and hard work, transfer to certain regiments which were considered as convict corps, and particularly to some kinds of severe garrison duty. That where the individual was removed from a regular battalion to the first convict regiment, if he conducted himself well for a certain period, he was brought back again to his corps, or he was allowed to go to any other regiment in the service, if he was unwilling to go back to the immediate corps from which he was degraded. I understood that he was allowed to go back to any other corps, in the hopes that he might, if so disposed, commence a new course of life, where he was unknown. If, whilst in the first convict corps, any serious offence was committed, he was then removed to a second convict corps, or to some particularly unpleasant garrison duty, where they were subject to hard service. I think the Commissioners may be able to ascertain, from individuals connected with that country, how far that statement is correct, and whether that practice continues now, and what have been the effects of it upon military discipline and conduct.

824. What is the constitution of that Army; is it raised by conscription, or by voluntary enlistment?—I cannot say, but suppose by conscription.

825. That Army is not subject to colonial service?—No. I may mention that last year, when in Belgium, I directed my attention to what had been the result of the abolition of corporal punishment in that Army. Up to November last, when I was there, no soldier had been punished by corporal punishment since Leopold's accession to the throne of Belgium. Before that they were under the Dutch, and had been punished. When I visited the *Maison de Force* at Ghent, I found all the turnkeys and keepers were serjeants and privates of the veteran corps. The prison has two divisions, one for civil offences, and the other for military offences, for which there were one hundred and seventeen soldiers and non-commissioned officers then confined. There were also five officers then in confinement. I thought that would be a good opportunity of ascertaining their opinions on the subject of flogging; and the opinion of the major in charge, and of two other old serjeants, was, that the discipline was then as good, and the conduct of the soldiers had been as good without corporal punishment as before. On pressing the major, his opinion was decidedly that they had improved after they had abolished corporal punishment. I had an opportunity of speaking to some officers in the service, and found a difference of opinion existing as to the result of the change. Some of the old officers seemed to think the discipline not so good; others seemed to think it was equally good. I am not aware that they have again had recourse to corporal punishment since that time, and the result of the practice may be easily ascertained. I have found, on inquiry, that there have been regiments in the English service, who, for a whole year or longer, had not had one corporal punishment; and having communicated with some of the officers, who had been in service, and had been with corps where severe punishment had been very frequently inflicted, the opinion of several of them was, decidedly, that corporal punishments did not answer the purpose, but on the contrary, made the man worse; and that offences were more frequent in those corps where corporal punishments were inflicted, and that the discipline was not better. The commission, however, has a better opportunity of ascertaining how that is than I have.

826. With respect to the Indian Army, is the crime of drunkenness, a frequent crime among the natives of India?—No; there are two classes of native troops, the Mussulmen and Hindoos. The Mussulmen are generally the boldest spirits, and drink most. In most of the native infantry regiments at that time, there was a very considerable proportion of Mussulmen and Hindoos: in the cavalry regiments, almost all Mussulmen; and if there was any offence of drunkenness it was generally confined to Mussulmen, but it was very rare, as far as I know.

827. Generally speaking, they are a sober, temperate people?—They are.

828. With respect to the composition of the Indian European Army, they are persons

taken generally from the lowest class of this country?—I should say they are generally from the better classes of people than the regular Army. They are never taken, as far as I know, from gaols, or from persons known to have committed any offence. I believe they are generally selected as sober and good men.

829. Are they recruited in the same way as the Army generally is recruited?—There used to be one East India Company's agent in Soho-square, who communicated with agents in different parts of Scotland and England. The persons who offered were sent up to him, and, being carefully examined, were sent down to the depôt at Chatham. But, I should say, from what has come to my knowledge, they were usually superior to those in the general Army.

830. When they are in India, is liquor cheap, so that they have much temptation to commit excesses in that way?—What we call spirits are not always attainable, but there are *toddy* and other inebriating liquors which are very cheap. One half of the year, there are certain classes of trees that exude a juice which in a few hours becomes fermented and strong and inebriating, and, I should say, that that is the liquor obtained by the Europeans, and which is most prejudicial to their health.

831. Have they easy access to that liquor?—It is prohibited to be brought into cantonment by such rules as the superintendent of the bazaar, under the orders of the commanding officers, have made; but as the payment for it, by the soldiers, is large in proportion to its value, it finds its way amongst them in defiance of all regulations.

832. The consequence is, a considerable indulgence in that drink?—Yes; and those who have once been degraded by corporal punishment, lose their own good opinion, and become regardless of the consequences of such irregularity.

833. With respect to the Company's artillery, they are a class of men still superior to the infantry regiments, are they not?—I think they are a very superior class; and some of the officers, whom I was acquainted with, told me that they selected the finest for the artillerymen.

834. With or without reference to character?—I do not know what attention is paid to character, but I should think that was always considered.

835. The pay is higher?—Yes, it is.

836. In that corps, was the power of corporal punishment entirely done away with, or was it only less frequently used?—In the Army with which I served we had only a detachment of Company's artillery, a lieutenant-colonel, a major, a captain, some lieutenants, and probably one hundred and twenty Europeans, with twice or three times the number of Golundauze. I do not recollect ever attending or seeing the flogging of an artilleryman in camp.

837. Do you know whether it was positively prohibited?—No; I apprehend not: I apprehend the power remained, because I have heard of punishments of that kind at Dum Dum, the artillery head-quarters, although I have never myself been present.

838. You have spoken of the Wirtemberg Army; are you aware how the ranks of that Army are filled, by ballot or otherwise?—No.

839. Do you know that corporal punishment was absolutely prohibited, or only that it had not taken place?—No.

840. With respect to the Belgian Army, how is that recruited?—I am not aware, but I do not think it is by ballot.

841. Has King Leopold, since he came to the crown, entirely abolished corporal punishment?—I cannot recollect whether he has prohibited it, or not; but it has not been carried into effect.

842. In the Belgian Army, what punishments have been substituted for corporal punishments?—I believe those of imprisonment principally, also extra drills and particular service: I found, I think, one hundred and seventeen in prison in the *Maison de Force*, at Ghent, but whether there were any other prisons, I cannot say.

843. Were there any punishments intermediate between imprisonment and extra drills in that Army?—Not that I am aware of.

844. Are there any other punishments, as the log, for instance, or the *boulet*?—I cannot say what are the grades of punishment.

845. Are there any punishments which are attended with disgrace, such as the *boulet* and log?—I did not myself see the *boulet*. I understood merely there were gradations which answered to a certain extent the purpose.

846. Is your notion in respect to the alteration in the discipline of the English Army, that corporal punishment should be entirely abolished, or that the power should remain of inflicting it in certain cases?—That it should be entirely abolished, except in the field, which I have always said should be considered after the trial was made in cantonments, and in peace.

847. What punishments would you substitute in any other situation but the field, for corporal punishments?—I think we have considerable advantages in our varied colonial and garrison duty, of making a gradation of punishments; and I think we ought to succeed in the trial. I have often seen corporal punishment for drunkenness, or probably selling their necessaries. I would, instead of flogging them for such offences, subject them to long-continued duty of a severe kind, classed according to the particular nature of the offence. For instance, an officer stated to me, that he had been very much troubled by a man who sold his shoes to the grog shop, and more than once had done so. The officer stated that he was ordered out without his shoes, and paraded with his baggage, and marched down with the party to a shingly beach, where they marched backwards and forwards for an hour and a half. The consequence was, he never sold his shoes again; and this was effected without corporal punishment, which would have been the ordinary infliction. I have heard of various attempts in that way to shame the men, rather than disgrace them; but I confess that I trust less to punishment than I do to rewards.

848. You do not entirely trust to either?—No; I should recommend two or three convict

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battalions, to which, after other punishments had failed, such men should be sent, with opportunities of returning after a probation of some months, and in case of good conduct, back to their own regiments. The Mutiny Act, I believe, at the present time, prevents the transfer of individuals from corps to corps. I think that power should be given in every case where, under the sentence of a court martial, they have been guilty of insubordination, or any serious offence; and the having that power would, in many cases, in my opinion, operate as a good check. I would employ that corps, certainly, in situations where the duty was hard, and where the climate was neither pleasing, nor the duty light. I know there is a difficulty in having regular corps at the same place where convict corps should be sent, but there may be a difference of duty in these corps, and we have an instance in the Bengal Army, as is perfectly known. We often see the regimental duties, and the cantonment duty performed in very hot weather, during the day, by native Sepoys, in order to save the Europeans. The native troops used, when not in the field, to take the sun duty, as it was called, to save the European troops. On a parity of reasoning, I do not see why, if you have two corps, a convict corps, and regular corps, the one should not be subjected to more severe duties than the other, and by that distinction render the service a punishment, and every man be perfectly sensible of it.

849. Do you mean that the next punishment to extra drills, and so forth, and those punishments that are inflicted by commanding officers without courts martial, should be always the removal of the person?—No, I would interpose periods of solitary confinement; and it is only failing in those, that I would resort to the other.

850. In cases of solitary confinement, do you approve of the present mode of sending the soldiers to be confined in the county gaols?—That depends entirely upon there being a place for separation. I would separate them entirely from all civil offenders; and where that could be done, it would matter little whether they were in a county prison or not. I would undoubtedly prefer, for a trial of that kind, a separate military prison for such offences; and you have one on a large scale ready to your hand in the Penitentiary at Milbank, which I would convert into a place of detention for soldiers, under all the different periods of service; and I would subject them, during that time, to solitary confinement, with or without hard labour, in whatever branch of business they could be occupied.

851. Is not the Penitentiary already occupied by prisoners?—It is; but they ought to be removed, and I have often recommended the propriety of doing that. The prisoners are maintained at an expense, at the present moment, of about £30 a man per annum. The establishment of officers and attendants alone costs, I think, £6,000, and I do not believe it has the effect of reforming the convicts. The result of my inquiry is, that it would be beneficial to the community to have every one of those convicts, who have to remain for three or four years in the Penitentiary, transported forthwith. It was on that same ground, I was one of the principal advisers to get the hulks broken up, and the prisoners sent abroad, from a perfect conviction, on examining many returns, that, out of every ten in the hulks, there were three or four returned again and again on the public; and I, in that view, think the Penitentiary worse than useless, that it is mischievous, and that it might be converted into a useful central military prison, with this advantage, that there is a complete power of making the soldiers work, there being workshops, &c., all ready. I think nothing can be worse than allowing men, in any state of confinement, to be idle and useless.

852. Do you mean that the Penitentiary should be the only military prison in England?—I do not think it would require a larger one than that for all the military prisoners in England, and the means of communication from the different parts of the country to London are so easy, that I think the expense of their conveyance would be much less than the erection and establishment of any building elsewhere, and, in central superintendence, there would be much better means of trying the experiment fairly.

853. So that if a soldier committed an act of insubordination, for which he would be tried by court martial, you think he should be sent up from any distance to that place?—Provided the term of his imprisonment should exceed a certain time.

854. What time?—Two or three weeks. I think a man might be confined near the headquarters of the corps, if the time of confinement were short, and it would be matter of discretion whether to send them to any distance for a shorter period than twenty days.

855. Where would you confine those persons?—In any local gaol, where they could be kept separate. That would be for the lesser offences.

856. The imprisonment to be effective must be strictly solitary?—Yes.

857. You would look to the county gaols?—Yes, certainly.

858. You would not look to the building of separate prisons for that purpose?—No, except a central one, and there is the one in London I have already mentioned; whether there is sufficient room in Edinburgh Castle for a prison, I am not quite aware, nor am I aware whether there is any in Dublin; but I should think there would be no difficulty in either metropolis.

859. Are you aware that every soldier coming up to be confined in the prison here must have an escort?—He would require some guard, no doubt.

860. The taking them away from their duty would be, of course, attended with inconvenience?—That comes exactly to the question of discretion I have suggested as to the time of imprisonment in a local gaol or in the metropolis: but I would not bring a man from Ireland to England, nor, probably, from Scotland to England, if I could find a proper place there; but, wherever it is, the discipline and confinement should be severe and strict.

861. You have never looked at the possibility, in case solitary confinement should be substituted for corporal punishment, of its being necessary to build military prisons in the several military districts of England and Ireland?—No, as I am of opinion that there are already

more prisons in England than, under the new regulations of a gaol delivery once a month, or once in three months at the least, can be required for civil offences; and, if every man sentenced to transportation should be without delay transported, there would be plenty of room for both civil and military offenders, and for a proper classification of both. I find, by communications with those who have watched the progress of the convicts in penal settlements, that the punishment in New South Wales is now made a real punishment, which it was not formerly; and that since the governor has lost the power of remitting the punishment, from favour or affection, transportation has become a severe punishment, and will, as a secondary punishment, have a very material influence on the future crimes in this country. I consider that it is a charity to remove every man who has offended, so as to receive the sentence of transportation, to another place, where he will have an opportunity of reforming his mode of life, and being unknown. I consider our system of retaining in England those convicts sentenced to transportation, and after a few years letting them loose on society, as contrary to what our better feelings would dictate—the giving to those convicts a chance of reformation abroad, which they scarcely can have at home. *Joseph Hume, Esq.*

862. The Commissioners understand that your notion is, that corporal punishment should be prohibited, except in the field?—Yes, absolutely.

863. That, for that should be substituted several gradations of punishment, at the discretion of the commanding officer, and that all sentences of courts martial should be a substitution of solitary confinement, with or without labour, for corporal punishment, to be put into execution, when exceeding a short period, by being sent up to some central prison, either in London, Edinburgh, or Dublin?—Yes; then beyond that period, for a second offence, I would have recourse to convict corps, and service abroad. I may mention, that transportation from Bengal to New South Wales, has been resorted to for serious offences in native corps, but I cannot state to what extent.

864. Are you aware that there were convict corps in the British service at one time?—I am.

865. You look also to the effect of rewards, in order to obtain a better description of persons, in the first instance, for the Army?—Yes, without that, you cannot succeed.

866. And also to induce better behaviour in those who have entered the Army?—Yes.

867. Do you look at all to an order of merit?—I will state the various inducements which I think may be held out to induce a better class of men to enter the Army. In the first place, I would decide that a certain portion of promotion to officers of the Army should, as in France, be given in all cases to the regiment or corps. That the portion either of one-third, a half, or two-thirds of the first commissions, as may be determined on, should be granted to men who have gone through with credit the gradations of private, corporal, and non-commissioned officer. That the strictest attention should be paid, in their selection, to merit alone. I consider that the abolition of the lash, and the hope of commissions, would have a very important effect in inducing the educated sons of individuals in comfortable situations in life, who really cannot now find the means of employing themselves here in other employments, to enter the Army; and if they had a fair prospect of obtaining public and permanent employment as officers, through good conduct in the ranks of the Army, the Army would be filled abundantly with recruits. My reason is this:—at the present moment, the pay and comforts of privates are more than what labouring men, in many of our parishes, can obtain by twelve or fourteen hours' hard labour. The pay is a shilling and a penny, and upwards, a-day, with quarters found; and in some of the counties only six shillings a week are now paid to the labourer, for his twelve hours' labour, to support himself and family. I consider that there is a class of men of the finest spirit, and best calculated for a military life, who would join the Army rather than submit to such drudgery, could they be positively insured against the chance of degradation by corporal punishment; and if they had a door opened to them for promotion, as wide as I have proposed, that there would be a finer class of men than have ever entered the Army under the present system. I think no alteration can be made with success, unless you absolutely prohibit the lash, and hold out that they shall rise in the service by good conduct. I am confident there would be a choice of recruits, of farmers' sons, tradesmen's sons, &c., could they but be insured against the lash, and have the hope of promotion, according to their conduct in the corps, to be ensigns and cornets, or whatever it might be, in rotation. There would thus be a class of superior men, and I would accept of no man into any regiment who had been found guilty of any offence. I would take no man from prison. In order to raise the spirit of the men, I would, in short, make the service one of honour and emulation. In addition to the recommendation of promotion to be officers in the respective corps, I think a large proportion of the officers of the Excise and Customs should be taken from the ranks of the Army. If, instead of admitting officers as is now done, through individual patronage and favour for the Excise and Customs, the Police, and other public departments, they were to be drawn from men of three, four, and more years' standing in the Army, who are by education capable, and whose conduct during that time has been exemplary, you would find hundreds and thousands of men flocking to the Army, in the hope by good conduct, of obtaining one or other of these rewards. I observed in my late progress in Prussia, what I thought the good effects of a similar system: under the present system of conscription in that country, every youth, whatever his rank, is obliged to serve after he is eighteen years of age, for three years in the Army; gentle and simple, they are obliged to take their turn of public service. Those who like a military life remain in the Army, those who do not, retire at the end of that period; and there is thus a continued succession of the best men, orderly and well disciplined. There is not, perhaps, in Prussia at the present moment, a man of twenty-one years of age, who has not been drilled his two or three years, and thoroughly prepared to take up his musket, and perform his service; and it is not a disgrace to any man to be a private soldier, as it is consi-

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dered in this country. That Government, much to its honour, and for the benefit of the public service, makes a point of selecting their public officers, to even the lowest grade, almost exclusively, or as much as possible, from merit, and to be discharged from the service is often in itself a sufficient punishment. There is in Prussia, at the present moment, what I would call the aristocracy of merit, by which all classes, in each department, are positively selected and continued in office from their fitness and capability to do the duties, and the certainty of promotion ensures the best of conduct. The late Finance Minister, who died last October, was selected for his talents, and has long been the chief Minister of Finance, though only a commoner. He declined, it was said, to be ennobled; but had the greatest possible respect paid to him by every class, because he had conducted the public service, throughout the whole department, with much strictness, regularity, and justice. By that same rule, and on that same principle, the first habits of order and obedience are acquired in early life; and it will be found that every one of the public officers are selected for promotion from those who have been some years in the service, and their conduct consequently known, to higher offices, from the lowest grade upwards; and I do not believe there is any one department in England so well conducted as almost every department in Prussia is. I think, therefore, you ought thus to hold out that hope of reward as an inducement to the better educated and better class of people to join the ranks of our Army. If, in addition to that proportion of promotion which I suggest should be given to the ranks, they were allowed to expect to be officers of Customs, and Excise, of Police, and messengers in public departments, &c., with hopes of promotion and advancement in each department, you would soon effect the change you require. I may observe, that the practice of rising by merit to be collector, exists in the Excise in England, but not in the Customs: the Customs is therefore defective, in as far as they may have any body put into the higher offices without regard to previous service; and that is what, in my humble opinion, has made the Customs' service in this country so very expensive and defective. In the Excise it is not so; every man rises from a common exciseman to be stationman, then supervisor, and lastly, collector. I will venture to say, there is no department of our public service where so much responsibility exists, and where the individuals who have all risen in that manner, have conducted themselves with such honesty and fidelity. I may mention, as an example in proof, that, in the Committee of Finance in 1828, of which I was a member, there was a return of three hundred and fifty millions of money, which had been received in fifteen years by the collectors of Excise (few of whom had more than £500 a-year salary, and none of them gave security for more than £5,000); and yet there never had been the loss to the public of one farthing in collecting so large a sum. There had been a deficiency in the account of only one collector, who died during his circuit of collection, and there was reason to think everything had not been fair in the settlement of his accounts.

868. You would confine the appointments in the Excise and Customs to persons who had been in military life?—I think that most men, under strict military discipline for two or three years, after the age of eighteen years, would in every way be improved, and be better capable of filling any of the junior situations in the Customs, the Excise, the Police, or any other department, than those are, who are generally appointed from interest, without regard to previous merit. I would therefore take a large proportion for those services from the Army.

869. You do not mean to say you would establish a ballot or conscription in this country?—No; on the contrary, I conceive these advantages would be so strong inducements to enter the Army, that there would be forty or fifty candidates for every vacancy, as we had during the war in India in the regiment I served with. I wish it clearly to be understood, that I would expect to do more by emulation, reward, and voluntary service, than I could expect to do by coercion or punishment.

870. What other matters in the way of reward would you recommend?—There are various appointments connected with the Colonial Department, which might be given to the officers of the Army, to take them from their regiments, and thus increase the promotion in the regiments, which might also be thrown in, in aid. I would also select messengers, as I have stated, for public offices. I would open every public department, to receive the best behaved officers, and men of the Army and Artillery; and so I would from the Navy and Marines, in circumstances similar to those.

871. Have you ever turned your mind to the question of an Order of Merit in the Army, descending to the very lowest rank?—I have: but an Order of Merit, unless attended with promotion and advancement in some branch of the public service, would be comparatively of little value. It would be of value in this respect:—suppose five or six men of equal merit, whose conduct deserved the approbation and reward of their superiors, but that the vacancies for promotion could only provide for one or two, it might be of some importance to hold out, by such an order, the approbation of their superiors, implying only their inability at that time to promote them, Unless in that view, I do not think an Order of Merit would be of much value.

872. Have you ever looked at the possibility of giving them any civil distinctions, such as votes for Members of Parliament, after a certain number of years' service?—No; but in my view, I would give every man, who is liable to serve his country in the Army and Navy, or who is a householder, the right to vote when out of the service; and I would give it to them, when in the service, if there was not a constitutional objection started—viz. that being in corps and under command, they might be made subservient to the wishes of their officers, instead of voting independently as freemen, and particularly when it is considered that their hopes of promotion must be through them; that is an objection which presents itself immediately to me, and cannot be obviated.

873. The question refers to the civil advantages given to persons after their discharge?—Most undoubtedly that would be desirable, and similar to that privilege given by one of

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Mr. Pitt's Bills during the war; viz., that any man who had been a soldier, should be at liberty to set up business in any particular guilds, in any corporate town in Scotland. I know that was calculated to have a very good effect. And I have had occasion to present cases to Government when the privilege was refused, and to claim their assistance in enforcing it, I am afraid, often with very little success; though I think, if it was the duty of Government to see it enforced, any similar advantage would have a very good effect; but I think I have pointed out other means that would entirely change, in the present surplus state of the population of this country, the class for the Army and Navy. But nothing, in my humble opinion, can be done with either until the lash is absolutely prohibited, as I know that the feelings of good and well educated men will not permit them to enter the Army while that power continues.

874. You are understood to say, that upon service, you still would not do away with the use of the lash?—In emergencies where men openly plunder or violate the rules laid down, and where order must be maintained, I do not see that there are any other immediate means of checking them. I do not pretend, therefore, to say that I would do away with the power in such cases, but, like the offence of stealing, the punishment, though disgraceful, would, I think, meet the approbation of the Army, if thus justly administered. It must be well known to military men that the success of any enterprize in the field depends upon the following it up; and if men will disobey orders, and have recourse to plunder, success may be by that means turned to defeat, and there must be, I apprehend, the means of repressing it on the instant.

875. In making this change with respect to the discipline of the Army, do you look to the more frequent infliction of the punishment of death?—I have considered that, and do not think there will be any great danger of such punishments. I am, however, disposed to think that instances might now and then occur, but that they would be very rare. I am aware there are cases, perhaps, in which it would be impossible to stop short of death, but they would be rare.

876. You are aware that in the French Army the punishment of death is applied in many more cases than in the English?—Yes, and I have heard men say they would prefer death to the corporal punishments which were inflicted in Portugal in 1809-10, when I was there. With high spirited men I think the risk of being obliged to proceed to that extremity would be very small, provided they saw an equitable administration otherwise of the powers for the maintenance of discipline.

877. Do you conceive the English Army to be more addicted to drunkenness than the other European Armies are?—Never having served with any other European Army, I must believe, from what I have heard, that that is the case. But I believe that a great deal is owing to our own conduct and to our fiscal laws and practices. I landed at Ostend in 1833, and proceeded through almost every town in Belgium, through a portion of Prussia, up to Frankfort on the Maine, and from thence by Verdun, and other places, where there were military, to Paris. During the whole of my progress, and further to the day of embarking at Boulogne, I never saw one drunken man, whilst I can scarcely go from hence to the city without seeing more than half a dozen. In the last year, I made another tour through Holland, through the manufacturing towns, Elberfeld, and Barmen, and Solingen, in Prussia, and on through Nassau, and other places, to satisfy myself of the state of their working population, and of the soldiers. I never saw one of either class intoxicated in the streets, but I was told that in the manufactories a good deal of spirits was drunk, but not drunk to produce drunkenness. I believe that it is quite certain that they do drink much more now in the manufactories in Belgium and in Prussia than formerly, and much more than the inhabitants of the country generally do, but seldom to a state of drunkenness. I would mention a fact, which may be of some importance to show the effects on the population of the use of spirits. In the last year, the Belgian government in order to compete with the Dutch government in the sale of gin, reduced greatly, or entirely took off the duty, which was a very considerable portion of the value. It is known that the Dutch are largely engaged in smuggling spirits to this coast; and they did so with a view of enabling the Belgians to obtain this market instead of Holland. I was anxious to ascertain what had been the effect of that fiscal regulation on the morals of the people. I admit that, in the view I take of the effect of the prices of spirits on morals, I had anticipated little or no result; but the inspector of prisons at Brussels, with whom I had visited the prisons, and made my observations, informed me that drunkenness had increased by the taking off the duty. I do not know the extent of the increase, but I expect returns to show the comparative increase, in order that I may compare it with the change that has taken place in our own country. I consider the drunkenness now so prevalent amongst the mass of the people in the United Kingdom to have increased by our own erroneous fiscal regulation; and that, in fact, by imposing a heavy tax on beer, the ordinary national beverage of the country for centuries, we have demoralized our population, and driven them to the use of spirits. The general national beverage of Belgium is beer; and though spirits are less than 2*s*. a gallon, each man drinks beer, which is still cheaper. In England, I think, we have demoralized our own people, by raising the price of beer, since 1802, by imposing taxes on beer, increasing the tax on malt, and permitting the monopoly of brewers to continue for so many years. We have actually changed the character of our people, and therefore must expect to find its effects on the soldiers as well as on the working classes; and it behoves us to retrace our steps and to prevent the evils from that cause which affect all classes. The Commissioners, perhaps, are not aware that, with twenty-four millions of people in the United Kingdom, we consume twenty-four millions of gallons of spirits.

878. Was it not the character of the English Army abroad, that they were very greatly addicted to drunkenness?—Yes, and I believe that the English Army has never had a fair trial by investigation into the causes of that bad habit. At Verdun, where there was a very

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large body of troops, I had an opportunity of speaking with some of the French Officers, and their opinion decidedly was, that the class of high spirited men which they had, rendered coercion seldom necessary to carry on the general discipline of the Army, in which there was so much emulation and spirit that the duty of the officer was rendered very light.

879. In fact, your opinion with regard to the alteration of discipline depends mainly on rousing a spirit of emulation, and giving sufficient inducement to the entrance of persons of a better class into the Army?—Yes, I consider that the spirit and inclination exist in the country, and that in the state of our population, thousands of those who go out as emigrants, to get a bare subsistence in the woods, would be too happy, with such inducements as I have mentioned, to enter our ranks.

880. What proportion does the pay of the soldier in the Indian Army bear to that of the inhabitants of that country generally?—I should say it is double, or perhaps treble, taking the average of the Hindoo trades and employments; and I know that the prudent part of the soldiers and officers send full one-half of their pay to their families at their homes.

881. Do not you attribute the fact you have stated, of there always being a number of volunteers ready to enter into a native regiment of India, very much to the high rate of pay that soldiers get above the wages of a labourer?—There are two circumstances connected with the company's troops in India which conduce to that effect:—first, the high rate of pay, and the strict attention paid to the payment of every farthing, even if they should be occasionally, as they were when I was in India, six or seven months in arrear; they know there never will be one farthing deducted, which is not the case in the service of any of the Hindoo or Mussulman princes of India:—secondly, they have the promotion to the highest rank, which I have noticed, and also the honour and importance it gives a man who returns to his native spot, of being a company's servant. All these advantages have the effect of filling the ranks with the best men the country can produce.

882. You would propose, in the king's regiments, to give one-third of all the commissions to the men from the ranks?—Yes, that proportion at least.

883. Do you think that it is advisable to have the officers from that class, or a superior class of society?—I should say from my own experience, that I have invariably found that the men who have made the Army their profession and study, who depend entirely upon their pay and emoluments, and who have no property or other profession to fall back upon, were more to be depended upon, when hard and unpleasant services were demanded, than the officers, who often choose the Army for amusement when young, and who can, and often do, whenever anything unpleasant occurs, or an unpleasant service presents itself, retire to their own property or change their situations. I speak from my observation of many individuals of fortune and noble family, who have been allowed to change from corps to corps, where corps went abroad on unpleasant service; and also that many of that same class have been allowed to rise to higher rank and to profitable situations, without having had the same extent of service which officers promoted from the ranks would always have had.

[*The witness withdrew.*]

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*Tuesday, 31st March,* 1835.

The Right Hon. LORD WHARNCLIFFE in the Chair.

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Lieut.-Colonel *James Frederick Love* was examined as follows:

*Lieut.-Col. James Fred. Love.*

884. Do you command the 73d now?—Yes.

885. Where is it?—At Corfu.

886. How long have you been in the service?—About thirty-one years.

887. Always serving in the 73d?—No: I have not yet joined the 73d, having only been appointed about a month. I have generally been serving in the 52d, and also three years in the 11th.

888. Have you commanded a regiment before?—Not as lieutenant-colonel; but I have commanded several times as major, and have been in command of the depôt of the 11th regiment for the last three years.

889. Since your first entrance into the Army there has been a considerable change as to the frequency of corporal punishments, has there not?—Yes, very great.

890. And more especially of late years?—Yes.

891. At the same time the power of the commanding officers, with respect to the punishment of lesser offences, has been diminished, has it not?—A great deal.

892. Is it your opinion, that that restriction, with respect to lesser offences, has had a good or bad effect upon the discipline of the Army?—In my opinion it has had a bad effect.

893. With respect to corporal punishments, are you of opinion, that the diminution of the number of those punishments has had a good or bad effect upon the discipline of the army?—I think it has had a good effect, and will continue so long as there is the power of enforcing it when necessary. I certainly considered, when I first entered the army, that the punishment was extreme, and, I thought, frequently unnecessary; but I think that now we have seldom occasion to have recourse to it, and which I attribute to the superior class of men who now enlist: but I am still of opinion, that if it were taken away altogether, we should have more occasion for it than we have at present.

894. In those cases where formerly corporal punishment would have been administered, what is the species of punishment that has been substituted for it?—Solitary confinement.

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895. Solitary confinement in barracks, or in county gaols?—In barracks, where they would afford solitary confinement, and also in county gaols: but I am very much averse to sending soldiers for any crime to the county gaols, because I think if you send a man there, not thoroughly depraved, he comes out a worse character than when he went in.

896. In cases of solitary confinement in barracks, have you found that the confinement has had as good an effect as would have been the case in the event of your proceeding by corporal punishment?—I think in some cases it has.

897. Can you particularize the offences to which you allude?—Occasional drunkenness in particular; and indeed I would myself confine corporal punishment to few crimes, only such as constant thieving, insubordination, insolence, and disrespect.

898. To the officers, you mean?—Yes, and to any persons in authority—a man refusing to obey his orders.

899. You are then of opinion that in the common cases of drunkenness, and of absence from roll-calls, and those sorts of offences, that solitary confinement might very properly be applied?—I have never myself given any other, but have frequently substituted the milder punishment of drill, and confinement to barracks.

900. There are other punishments to which a commanding officer has recourse, are there not?—Yes.

901. What are they?—The punishment drill; confinement to the barracks. The punishment drill I consider one of the best; it keeps the soldier employed, and preserves him in health.

902. When a prisoner is sentenced by a court martial to solitary confinement, do you conceive that the example is as efficient for the maintenance of discipline among his fellow-soldiers as the sight of corporal punishment?—Certainly not.

903. Even though the reading of his sentence takes place at the head of the regiment?—Even then it has not the effect.

904. Have you ever had an opportunity of ascertaining the effect by communication with any of the soldiers or non-commissioned officers of the regiment, or is it only from what you think you have perceived yourself?—I have heard from non-commissioned officers in the regiment that it is so; and I have perceived it very strongly myself, when for the last three or four years I have only had occasion to punish three men; and with those three men I did not go to the extent of the punishment awarded them, because I found that before the punishment was half over it had had its desired effect upon the men. Some of the younger soldiers, for whom the punishment was necessary as an example, were evidently much affected. I can mention one instance to your Lordship which happened in Wales, where the recruits in that country are much addicted to drinking, and very often desert. At one time I was frequently losing three or four men in a week; and I found that the sentence of a court martial giving solitary confinement had no effect whatever in preventing it. One fellow, a man of very bad character, and a thief, went off, and was taken in about three hours' time. He was tried for being absent without leave, and the court martial sentenced him to receive two hundred lashes. I only gave him seventy, and I had no other deserter for two months.

905. If a soldier is punished for a military offence, are you of opinion that his having undergone that punishment degrades him in the eyes of his fellow-soldiers?—It may in some instances, but I do not think it does generally; that is, provided it is not for a disgraceful crime.

906. So that in your opinion the degradation depends more upon the nature of the crime than upon the punishment?—Yes.

907. Have you perceived that, in such cases, the society of the man who has been punished is avoided by the others?—Not at all.

908. Have you known instances where men who have undergone corporal punishment have thereafter become good soldiers, and been promoted to the rank of non-commissioned officers?—Yes. I know one particular instance of a soldier who was one of the most desperate characters perhaps in the service. Many years ago this man was tried by a regimental court martial. At the trial he was awarded a very heavy punishment:—he was sentenced to receive five hundred lashes. I happened to be commanding the regiment at the time, though only a captain of the second battalion, and, thinking the man was a fine soldier, I wished, if possible, to avoid giving him the punishment, although, as I said before, he was a desperate character, until I heard, as the square was forming, that he had boasted that no officer dared to punish him, and that he would shoot the first officer who dared do it. After reading to him his court martial and sentence, I told him it was my intention to have dispensed with that punishment, had he not made use of those words, but, as he had said what he had, I should give him the whole of his punishment. The regiment was then formed of a great number of recruits, and I therefore conceived that it was of the greatest importance at that moment that discipline should be maintained. This man, some year or two afterwards, I found by accident with me upon a reconnoitreing party at Bergen-op-Zoom. It was a thick fog, and we approached near to the glacis. At this moment the fog cleared away, and we were so close as to be exposed to a fire from the covered way. A volley was fired, which killed my horse, and wounded two or three men. I was down, and the men were dispersed; and the only one who remained with me to pick me up was this man whom I had punished. I afterwards made him a non-commissioned officer; and at the battle of Waterloo, where I was very severely wounded, he helped me off the field. He was wounded himself in the groin, and when I was lying under a gun he remained with me, and, in the charge of cavalry, shot several French dragoons. He was as fine a fellow as I ever saw.

909. So that his attachment and confidence in you as his officer was by no means destroyed

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by the infliction of the punishment?—Not at all; on the contrary: for, upon my speaking to the man in the field, I said, "Gorman, I did not expect this attention from you;" and I alluded to his punishment. He said, "Oh, sir, you have only done your duty; and had I been flogged sooner I should have been a better man."

910. Have you seen cases in which the infliction of corporal punishment has failed in reforming the individuals punished, but, on the contrary, has rather hardened their feelings, and made them more reckless?—I think, in the course of my military life, I have seen one or two desperate characters that nothing would have reclaimed; and that very severe punishment in their cases tended more to harden than reclaim them.

911. Though such men are generally repeatedly punished in that way?—They have been; but I have also seen men when on service, who, knowing that the punishment of death would be awarded to them for the crime, which was plunder, persevere in it, until they heard or saw the provost-marshal was coming up in rear of the division. I mean to say, by that, that I think the fear of immediate corporal punishment had more effect upon them than the chance of being tried and hanged.

912. The provost-marshal has the power of inflicting corporal punishment without trial, has he not?—Yes, he has.

913. In cases where corporal punishment has been inflicted upon one of those men who have been often previously punished, is the effect of example still the same upon the other soldiers who witnessed the punishment?—Yes, I think it is; because it shows the men that the crime is punished, and it also shows the fellow's hardened character.

914. The effect of the example then is not destroyed by the notion of its having no effect in reclaiming the person upon whom it is inflicted in such cases?—I think not; for many years past I have never seen the same man punished more than once.

915. Suppose a man commits the same offence a second time, how is he dealt with?—It seldom happens except in desertion. If a man commits the same offence a second time we generally try him by a higher court, and perhaps the man is then discharged from the regiment or transported.

916. That would be an inconvenient course in time of war, would it not?—It could not be done then; and the same thing applies in time of war to solitary confinement. We could not adopt the punishment of solitary confinement at that time.

917. Now, supposing that corporal punishment were entirely abolished in Great Britain and Ireland, and solitary confinement were substituted in its place, would it be possible with the present accommodation to inflict that punishment in a manner that would make it effectual?—I should say that it was decidedly impossible.

918. In order to enable that system to be established, would it be necessary to build military prisons in different parts of this country?—It would be necessary to do either that, or to have detached prisons in the barracks. I proposed some time ago to do that at Brecon, as I had then under my command several depôts, and had only two black holes, from which they could hear every word that was said in the guard-room. In fact it was no punishment at all; for some men would prefer going there to being sent to punishment drill.

919. Supposing that the punishment of solitary imprisonment with hard labour were adopted, do you think that that could be inflicted without having prisons expressly for that purpose?—I do not see what hard labour you could give them in the barracks, unless there were some works in the neighbourhood to be done.

920. Have you ever considered whether a system of rewards might not be introduced which would have a considerable effect in assisting the maintenance of discipline in the Army?—I have, and I think it would be beneficial.

921. Have you ever considered, in the first place, the establishment of an order of merit?—I have.

922. Do you think that that would have any beneficial effect?—I think it would.

923. Have you ever considered, also, whether the giving the soldiers who shall have been discharged, after a certain number of years' service, with a good character, certain civil rights, such, for instance, as that of voting for members of parliament, and also exemption from parish offices, whether that would be the means of inducing the soldiers to behave well?—I am induced to think that it would have the very best effect, provided also that the men sent away from their regiments with bad characters should have no claim of exemption upon the parishes to which they belonged.

924. Are you of opinion that such rewards and such advantages, after their discharge, would be the means of inducing a better class of persons to enter the Army?—I think it is very probable it would. I think that if the condition of the soldier were ameliorated you would then get a better class of men; at present we recruit from the dregs of the people, and it is considered by a civilian a disgrace to be a soldier. Do away with that, and the consequence will be that people of a better class than at present will become soldiers.

925. Supposing that by these means the Army were composed of a better class of persons, should you then be of opinion that corporal punishment might be entirely dispensed with?—I think it would then possibly die a natural death; but I should like to try the experiment alluded to before the power of corporal punishment were done away with, because I cannot think it would be judicious to take away the power before the experiment was tried.

926. You would like to see the effect of it before the power was taken away?—Certainly, because I consider that the taking away the power at the present moment would have a most dangerous effect upon the discipline of the Army. I mentioned before that I had only had three punishments in three years; but I am of opinion that if I had not had the power I should have had occasion for fifty.

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927. But, even with that amelioration of the soldier's condition, are you of opinion that, under those circumstances, the power of inflicting corporal punishments could be dispensed with when the Army is in the field?—Not unless we increase, and give them a more severe punishment, as they do in foreign Armies; that is, by inflicting death in lieu of corporal punishment.

928. Have you ever had occasion to contrast the discipline of the French Army with the English Army when they have been in the field?—Yes, I have.

929. How do they deal with those offences for which corporal punishment is inflicted in the English Army?—In many of those cases I believe they inflict death. But they give a reward for services, which we do not; that is the distinction. If our soldiers had a medal or a cross, for every campaign, the same as the soldiers of all foreign nations have, to lose that cross would be a greater punishment to men of feeling than even corporal punishment; moreover, by losing the cross they would also lose the pension which is attached to the cross; and I think that if our soldiers had similar orders given to them, and a pension attached to them, corporal punishments would, in a great measure, come to be unnecessary.

930. In the course of your service, have you ever followed the French Army in taking up your quarters?—Yes, frequently.

931. What has been the feeling expressed by the country people upon those occasions towards the French Army, in respect of their treatment to them?—It has not been at all equal to the feeling towards ours. The French discipline was not so good as ours. The men plunder more, and committed more crimes which passed unnoticed. Crimes which we took notice of, the French did not.

932. Have you ever seen occasions, when you arrived, of the English troops being rather looked upon as a blessing in comparison with the French?—Many times.

933. In France as well as in Spain?—No; not so much in France—more in Spain and Portugal.

934. But in France have you found the inhabitants of the country satisfied with the discipline of their own Army?—I think they preferred ours, though from their national feeling they are not very fond of acknowledging it.

935. Did you advance with the Army from Waterloo to Paris?—No; I was left behind wounded; but, coming up after, I observed that, in the country on the line of march where the Prussians had gone, the houses were destroyed, and the people dispersed; whereas, on the line of march of the English, you found every body in their houses, and you could purchase any articles you wanted, and get quarters. Indeed, having first adopted the Prussian line of march, I found it so bad that I was obliged to leave it.

936. Upon the whole, having had occasions of comparing foreign Armies with the English Army, is it your opinion that the discipline of the English Army is superior to that of any other?—Yes, very much.

937. The offence of drunkenness is, however, as frequent in the English Army as in any other Army, is it not?—I think more so.

938. Notwithstanding that circumstance the result has been, that, by the means employed in the English Army, the discipline is more perfect?—I think most decidedly so.

[*The witness withdrew.*]

*A Serjeant of the* 1*st Foot Guards* was examined as follows:

*A Serjeant of the 1st Foot Guards.*

939. How long have you been in the regiment?—Twenty-one-years the 11th of last December.

940. You have never been in any other regiment?—Only the militia.

941. What regiment of militia?—The East Suffolk.

942. Then it was at the end of the war you enlisted?—I enlisted in 1803 in the militia.

943. As a ballotted man or a substitute?—I was a substitute.

944. And at the end of the war you enlisted in the Grenadier Guards?—Previous to the war being over I volunteered into the Grenadier Guards.

945. You were at Waterloo?—Yes, I was engaged on the 16th.

946. You have the Waterloo medal?—Yes.

947. When you first entered into the militia were corporal punishments more frequent in the Army than they are now?—In the militia fifty to one, I may say.

948. That is to say, in the militia the corporal punishments were fifty to one more than they are now?—I may say a hundred to one.

949. But in the Guards have the number of corporal punishments decreased since you first entered into the Guards?—They have decreased very considerably.

950. What other punishment has been substituted in the room of corporal punishment?—I have seen instances where a man has been punished without corporal punishment; I mean has been *billed up*, confined to the barracks, and obliged to attend at drill in marching order, for a certain number of hours in the course of a day; perhaps two drills, of an hour and a half or two hours each time.

951. Have you ever known solitary confinement resorted to instead of corporal punishment?—I have known a man to be tried by a court martial, and he has received solitary confinement instead of corporal punishment; when a man has committed a smaller crime he has been corporally punished formerly.

952. How has that solitary confinement been inflicted—in what way and place?—The solitary confinement, in my present regiment, has been in the black hole, or a place similar to a black hole.

953. And in the county gaols, Brixton gaol, for instance?—The county gaol as well. I speak of both instances. But those men in solitary confinement under our care have a certain

*A Serjeant of the 1st Foot Guards.*

indulgence, that of being walked out two hours. They have two separate walkings out, an hour each time, and also the ration. They have received rations.

954. The same rations as if they were at liberty?—No, not the same.

955. A decreased ration?—Yes, a little exceeding the allowance of sixpence a day, in addition to the washing.

956. In case a man has been confined in Brixton gaol, for instance, which is the usual place they send to, is it not?—When in town.

957. In case a man has been confined in Brixton gaol, what has been the effect of that confinement upon that man? has it tended to make him more orderly, or otherwise?—Some it has had some good effect upon; but some others it has not had any effect upon. Some men have come back, as it were, rather low in flesh; and it appeared they had suffered by their confinement. Others came back full as fresh and full of vigour as previously.

958. Have you been able to ascertain what their own feelings are with respect to the punishment in the prison?—They vary so; some do not mind it; they do not think any more about it. Those that have felt it, as it were, have got a turn in their manner, that they dislike it. Brixton is worse at this time than it was formerly.

959. You mean the discipline is more severe?—They are more restricted than they formerly were, as I have heard the men say when they came from there.

960. Has the keeping company with the inmates, the persons confined in those gaols, any effect upon the manners and conduct of the soldiers who have been so confined?—I am not aware.

961. Are you of opinion that the punishment of solitary confinement has had as much effect in the way of example upon the other soldiers of the regiment as corporal punishment?—No.

962. In point of fact, have offences such as drunkenness, insolence to non-commissioned officers and officers, and acts of insubordination, increased or diminished since corporal punishments have been replaced by solitary confinement, or not?—I consider very much increased, both drunkenness and insolence.

963. Offences of that description are more frequent in your opinion?—Yes.

964. You have of course known many soldiers who have been corporally punished, but have remained in the regiment subsequently?—Yes, I have known in my time many.

965. Have you known many of those persons become good and respectable soldiers, after having received corporal punishment?—I have.

966. Have you known any of them attain the rank of non-commissioned officers, after having been so punished?—I really cannot speak to that, not correctly, but I know there has been a great difference in many. I have seen men turn to be much better soldiers—considerably.

967. And obtain the respect of their fellow-soldiers?—Equally so.

968. As much so as if they had never been punished?—Yes; I have seen them do that.

969. Are men who have suffered corporal punishment for merely military offences, and not disgraceful offences, such as theft and so forth—is their society avoided by their comrades after the punishment has been inflicted?—Not at all by their comrades.

970. But if a soldier is punished for a disgraceful offence, such as I have alluded to, in that case do his comrades look upon him with the same degree of respect?—In the course of time it will wear off, or by degrees by a little change of comrades. By degrees they do come in association with him; but here and there one who is well acquainted with it, from him he does not receive that respect; but in the course of time there is a change.

971. Have you known instances where the effect of corporal punishment has been to harden the feelings of the persons who received it, rather than to soften them?—No, I don't think it has ever hardened a man; more the other way.

972. When the regiment is turned out for the purpose of witnessing a punishment, what effect has it upon the men in general?—It has a great effect upon some men; upon some men it has none to see. You can't see it has any effect upon some men; but there are others that it has effect upon, for they faint. I have seen two or three men faint in the course of a punishment. Many times I have seen one in the course of the punishment of one man.

973. That fainting is produced by the sight of the man's back, I take for granted?—Yes; and at the man's cries. His cries are as distressing as the sight.

974. Then do you conceive that the effect is great, in the way of example, upon the minds of those persons who are so affected?—Yes; most seriously so.

975. It is not a mere feeling of disgust, but it is a feeling that that is the punishment which may be inflicted upon them if they commit the same offence?—Yes.

976. Then it is your opinion that that effect tends to deter the individual from committing those offences?—I believe it does.

977. In case a man is sentenced to solitary confinement, and the sentence is read at the head of the regiment, and he is afterwards marched off to prison, does that proceeding produce a great effect upon the minds of the soldiers who witness it?—Very little. There may be a few characters that look at it as a serious thing, but very few that take notice of it.

978. You wear a medal yourself, do you not?—Yes.

979. Are the men of the regiment who have that medal respected upon that account in the regiment?—I consider they are.

980. And the wearers of it are proud of being so distinguished?—They are.

981. Do you conceive that if an order of merit were established in the Army for good service, after a certain number of years, it would have a good effect upon the minds of the soldiers?—Yes, I do.

982. It would induce them to obtain that medal by their good behaviour?—Yes.

*A Serjeant of the 1st Foot Guards.*

983. Is a soldier ever sentenced to lose his medal?—I never knew of one, not since I belonged to the regiment.

984. Have you ever heard any conversation among the soldiers with respect to corporal punishment, and their feeling upon the subject?—I have heard them.

985. And what is the general feeling of the soldiers with respect to the maintenance of that punishment in the Army?—Their feeling is that it is too severe a punishment; that is what is the state of their minds, and you hear them talk that it is too severe a punishment for any offence that they do in a military way, speaking, or behaviour, or a little drinking—that I have heard.

986. But do they object to it in cases of real insubordination, or breach of military discipline, and cases of that kind?—No, they can't object to it. They disapprove of any severe punishment in their conversation.

987. They consider it more severe than the other punishments, such as solitary confinement, and so forth?—Very much more so.

988. Do you imagine it is their opinion that the discipline of the Army could be maintained without it?—I can hardly speak to that.

989. Am I to understand that your opinion, as a non-commissioned officer of some standing, is, that without the power of inflicting corporal punishment there would be great risk that the discipline of the Army could not be maintained?—I think not. My opinion as a non-commissioned officer is, that it cannot be done without in certain cases.

990. Can you suggest to us any further restriction upon corporal punishment than at present exists, which would, without entirely doing it away, make it appear still more reasonable in the minds of the soldiers in general?—No, I don't know that I could suggest anything but what is now the system of the regiment.

991. Have you any knowledge of any other regiments besides your own?—No, only of the one I was from.

992. The militia regiment?—Yes.

993. But in your regiment has there been shown a desire to avoid the infliction of corporal punishment, except when it was absolutely necessary?—It has not been put in force except when it was very necessary, and upon very urgent occasions.

994. How do the men feel with respect to stoppage of pay as a punishment?—They disapprove of it very much. The loss of it hurts the soldier much.

995. It hurts him by keeping him in debt to his captain?—No; he has less money to spend: it generally falls on those men who want their money for their own purposes.

996. In drinking you mean, do you not?—Yes.

997. Do you think that that punishment has a considerable effect in deterring them from committing such offences as those for which it is inflicted?—Yes.

998. Do you think it has as much effect as corporal punishment?—No.

999. How long have you been a non-commissioned officer?—I have been a full non-commissioned officer, the 19th March, twenty-one years; I have been twenty-one years and three months doing non-commissioned officer's duties.

1000. How much of that time have you been a serjeant?—I was made serjeant on the 7th October, 1816; that would be next October nineteen years.

1001. Do you think that the usual steady good men of your battalion have a strong desire to do away with corporal punishment?—They have.

1002. They wish that some other punishment were substituted in its room?—Any punishment better than that. That is the soldier's wish.

1003. Can you, from hearing them converse among themselves, suggest anything that would be an efficient substitute?—No.

1004. Does that wish appear to you to arise from the severity of the punishment, or from any greater degree of disgrace attached to it as a punishment?—They consider it a severe punishment, and also a disgrace.

1005. Is it, in their opinion, a disgrace arising from the nature of the punishment itself, or from the crime for which it is inflicted?—No, it is the disgrace of the punishment, and the idea of it to the public.

1006. Does that feeling tend to make it more effectual as an example when it is inflicted?—It so seldom happens that I can scarcely answer that. There is so little talk of it.

1007. How long is it since you witnessed any corporal punishment in your battalion?—Upon my word I cannot say whether it is two or three years; it is a long time. I am not certain as to six months: it is a good while ago since I saw one punished.

1008. And always, in recent instances, for a very heinous crime?—Very serious offences; such as that of very abusive language to non-commissioned officers, and striking.

1009. Serious offences in the opinions and feelings of the soldiers themselves; such offences as any man who knows a soldier's duty knows must be punished with severity?—Yes.

1010. And discipline could not be maintained without punishing in that serious manner?—No, it could not, on certain occasions.

1011. When a punishment has taken place, do the soldiers converse among themselves how far such a punishment has been deserved for the offence that has been committed?—I never heard of any that ever did.

1012. You never heard them do so in their barrack-rooms?—No.

1013. In the regiment of militia in which you were, were there a considerable number of men who were balloted, or were they generally substitutes?—There were a great many balloted men, and a great many substitutes.

1014. Before you became a substitute how were you employed yourself?—I was very young. I lived two years in a farmer's service previous to my being a soldier.

*A Serjeant of the 1st Foot Guards.*

1015. In what part of England?—I lived first in the eastern part of England, in Suffolk. The first year I lived at Ramsel Dock, in Suffolk; the other year I was at Bardsey.

1016. What age were you when you became a substitute?—When I first went into the militia I might be between fourteen and fifteen.

1017. Were you put into the ranks immediately?—No; I was a drummer first.

1018. How long did you serve as a drummer?—I served as a drummer nearly seven years, and then was allowed to take a bounty as substitute for a man who was then in the regiment.

1019. You did not go as a substitute originally?—No.

1020. In your regiment of militia were the balloted men persons of a better class in life than yourself generally?—No; I don't know that there was any difference between them and the others.

1021. They were generally persons who were balloted for the militia, and had no money to find substitutes?—Yes; that was the case with a great many.

1022. Do you know any instance of persons of the better class of life, who had been balloted, remaining serving in the militia?—I don't recollect any instance of any difference in the parties.

1023. Have you been employed recruiting lately?—No.

1024. Do you know whether there has been any great difficulty in getting recruits for the regiment lately?—There has been difficulty in some places, and men are not so plentiful to suit the regiment in some places as they are in others. When they have gone down, they have not had so much success in one place as they have had in another.

1025. What do you conceive it to be that creates a plenty of men to enlist in the Army; what are the circumstances you conceive tend to that?—Such as in mechanical towns where there are many in number.

1026. It depends upon the goodness or badness of trade in the towns?—Yes; it depends greatly upon that.

1027. In times of bad trade you get more recruits, and in times of good trade they are slow in coming forward?—Yes.

1028. Is any bounty given to a recruit now?—Yes.

1029. How much?—I don't know whether it is £2. 15*s*. or £3. 15*s*.

1030. Out of which the recruit has to find his necessaries?—Yes.

1031. Is it different in the Guards to other regiments?—I don't know.

1032. Do you get many recruits in London?—Not many.

1033. Have you ever known young men of a better situation in life enlist in the Guards, such as the better sort of tradesmen's sons, and that description of persons?—Very few; here and there one turns out a little wild, or he is vexed at home, and things cross him in his family affairs.

1034. Have these men, such as I have alluded to, after their enlistment, held a better character in the regiment than the other soldiers, or not?—I think there is very little difference; some turn rather wild, and some steady.

1035. If there had been any marked distinction between the behaviour of the different sorts of men, do you think you must have observed it?—If there were I should certainly have noticed it. But as it now stands, I don't think I can perceive it.

1036. Since you came into the Army is the situation of the soldier bettered or otherwise?—The situation of the soldier is better than many a man, who is poor in his circumstances, not in the Army.

1037. Has it grown better or worse since you came into the Army?—Very considerably better.

1038. Is the confidence of the soldiers in the kindness and consideration of their officers decreased since you originally went into the Army?—I think not.

1039. You have then always known that there has been a strong feeling of confidence, on the part of the men, in their officers?—Yes.

1040. Do you think that the continuance of corporal punishment has the effect of decreasing the confidence that the soldiers bear towards their officers?—No; I don't think it does.

1041. Whatever they may think of the punishment itself, they have a confidence that it will not be inflicted but when it is really deserved?—Yes.

1042. Do you think, if corporal punishment were abolished, people would more readily enlist into the service?—I don't doubt that they would.

1043. Do you think the soldiers in general wish for their discharge? supposing that permission were given to every man in your battalion to take his discharge if he wished it, would he do so?—No, not every man. There would be many who do wish it, and many who do not. There are many, who are what we call of short service, would not wish to go. I know good soldiers of that description who would not wish to have their discharge.

1044. Have you ever known any instance of men being turned out of the regiment?—There have been very few turned out of the regiment.

1045. For infamous bad conduct?—I have had two or three, but that is all, and that has been the best punishment for them.

1046. And considered a greater disgrace?—Yes.

1047. Both for the men who were discharged, and the men who remained?—The men who stopped felt it a satisfaction; it is a good thing to get rid of such a man. They feel it a disgrace to the regiment, and it is the best thing to get rid of such a man.

[*The witness withdrew.*]

*Private A. B., of the* 1*st Foot Guards,* was examined as follows:

*Private A. B., of the 1st Foot Guards.*

1048. Whose company do you belong to?—Colonel Honeyman's.
1049. What countryman are you?—A Lancashire man.
1050. What part?—Preston.
1051. How long have you been in the regiment?—Twenty years next June. I have been twenty-seven years in the Army.
1052. What regiment were you in before?—The 1st Royal Scotch.
1053. Were you discharged from that regiment?—Yes,
1054. How came you to be discharged?—I enlisted for seven years.
1055. At the end of the seven years you were discharged?—Yes.
1056. Then you enlisted in the 1st Regiment of Guards?—Yes.
1057. How long after you had been discharged from the Royals was it before you enlisted in the Guards?—Between five and six months.
1058. Did you return to your home in the mean time?—Yes, I returned to Manchester; that is where my father and mother did reside.
1059. Are you of any trade?—No.
1060. Were you never brought up to any trade?—No.
1061. When you returned to Manchester did you find it difficult to obtain work?—Yes.
1062. Was that your motive for enlisting again?—Yes.
1063. Then you did not dislike a soldier's life?—No.
1064. Where did you serve with the Royals?—I first joined them in Scotland.
1065. And from thence where did you go?—From thence I went to Ireland.
1066. And where did you go after that?—I went to Spain.
1067. And there you served with the Army in the field, did you?—I was taken prisoner on Sir John Moore's retreat.
1068. How long were you a prisoner?—About five years and six months, or somewhere thereabouts.
1069. Did you join the Royals again?—Yes.
1070. Where did you join them again?—At Musselburgh, in Scotland.
1071. When was that?—In 1815, just at the time when Buonaparte went to Elba.
1072. Did you go out again with the Royals?—No, I was discharged.
1073. How long after you went to Spain were you taken prisoner?—I don't know, I am sure, what month it was we went off to Spain. I went out in May, 1808, and I was taken in January, 1809.
1074. Between that May and that January you were on service in the field, then?—Yes.
1075. You advanced with Sir John Moore's Army to Sahagun?—I went out with Sir David Baird's Army, and we joined Sir John Moore.
1076. And you were with him in the advance to Sahagun?—Yes.
1077. And you retreated to Corunna?—I was taken before I came to Corunna, on the retreat.
1078. Have you ever been a non-commissioned officer?—Never.
1079. Can you read and write?—No.
1080. Have you never tried to learn to read and write?—No, I never did.
1081. Have you ever had any wish to become a non-commissioned officer?—No.
1082. You are satisfied with your situation as a private soldier?—Yes.
1083. Have you ever had any opportunities given to you to learn to read and write, if you thought proper?—O yes; there is a school belonging to the battalion.
1084. Do not you think it would be an advantage to you if you were to learn to read and write?—It might have been in my younger days, but the time is now past.
1085. Then in point of fact you have no great wish to become a non-commissioned officer?—No, I am more satisfied in the capacity of life I am in; there is no charge on my hands.
1086. You think you can do your duty well as a private, but you are not quite sure you could do it if you were a non-commissioned officer?—I am sure I could not.
1087. Since you became a soldier, have the corporal punishments in the Army increased, or otherwise? have the punishments in your regiment increased or decreased since you became a soldier?—They have decreased, I think.
1088. Very considerably?—Yes, very considerably.
1089. Is it because these punishments are inflicted for more flagrant offences now than they were formerly?—I cannot say I have ever seen any great punishment myself.
1090. Then they are not frequent in your regiment?—There are punishments frequently for people that are guilty of crimes.
1091. I am speaking of flogging?—I have not seen that lately.
1092. Then it is not common in your regiment?—No.
1093. When a corporal punishment is inflicted, has it a great effect upon those who witness it?—Why I should think it had: I always feel curious when I have seen anything of that kind.
1094. Does it appear to you to have an effect which is likely to prevent others from committing the same offence for which that person is punished?—I should think it would be a caution.
1095. A good number of men are sentenced to solitary confinement at times, are there not?—Yes.
1096. And the solitary confinement is inflicted sometimes in the barracks, and sometimes in prisons?—Yes; one is called solitary, and the other is to prison.
1097. When a soldier has been committed to prison, what effect has that upon him?—I

*Private A. B., of the 1st Foot Guards.*

cannot say; I never was in prison in my life, neither was I ever punished in my life; and I cannot say what effect it has upon a man.

1098. Have you heard your comrades talking about it?—I have heard them say it is a hard punishment, and the like of that.

1099. When they have been confined some time in Brixton gaol, for instance, do you find that when they come out they appear to have mixed with bad characters there?—I have not heard them say anything about it. I rather think the soldiers are kept by themselves while they are in prison.

1100. When a man is sentenced to confinement in prison his sentence is read at the head of the regiment, and he is marched off from the parade, is he not?—Yes.

1101. Do you think that that has as much effect upon the soldiers who witness it, by way of example, as a punishment at the halberds?—I don't think it has quite so much shock upon the men's minds.

1102. When a man has once been punished at the halberds is he shunned by his comrades?—No.

1103. Is he considered so degraded as not to be fit company for his comrades?—No, I never saw that.

1104. But supposing he is punished for a disgraceful crime, such as thieving, is he not then considered as unfit for the company of his brother soldiers?—He is not fit if he is a thief.

1105. If he has committed a disgraceful crime, you don't like to associate with him?—No.

1106. But if his crime is merely a military crime, such as insolence to his non-commissioned officers, or something of that sort, then he is not in your opinion disgraced in the eyes of his companions?—No.

1107. So that the disgrace of the punishment depends upon the nature of the crime very much?—Yes.

1108. Have you known soldiers who have been punished at the halberds become afterwards steady good men?—Yes, I have known instances of some men turning steady afterwards.

1109. But, generally speaking, has the punishment at the halberds the effect upon the man punished of bettering his conduct, and making him a better man?—I am sure I cannot say.

1110. I take for granted that, in the barrack-rooms, you sometimes talk to each other upon the subject of this punishment?—Sometimes the men talk about the punishment.

1111. Will you now tell us fairly and openly what you conceive to be the feeling of your brother soldiers upon the subject of corporal punishment; whether it is a fit punishment or not?—I should think it not fit myself.

1112. Is it your notion that it might be done away with?—That is my opinion.

1113. Always considering that you are too good and too old a soldier not to know that a regiment cannot be kept in order without certain discipline?—No, we must have punishments.

1114. Do you think it would be possible to keep up what may be called proper discipline in the regiment if the power of tying a man up to the halberds were taken away?—I think there are ways and means by imprisonment and otherwise.

1115. Suppose the punishment of tying up at the halberds were done away with, what punishment in your opinion would be most effectual to substitute in the room of it?—It appears to me that imprisonment takes more effect upon the men who have got into trouble.

1116. What do you say to stoppage of pay?—I don't know I am sure.

1117. Have you known instances of a man's pay being stopped by the sentence of the court martial?—Yes, I have, for ten and twelve months, and two years.

1118. How do the men feel with respect to that punishment?—It hurts a man's feelings to lose his extra pence.

1119. Do you think that the men in general would rather submit to that than receive a corporal punishment?—I should myself; I don't know whether my comrades would or not, I am sure.

1120. You don't know what the opinions of the soldiers generally are?—I do not.

1121. You say that imprisonment would answer the purpose of corporal punishment; suppose that a great number of those men were imprisoned in consequence of that, do you think that the other men would murmur at being obliged to do their duty during that time?—I have heard some men grumbling at having to do the duty of those who were confined.

1122. Then do you confine your ideas of imprisoning a man being sufficient in lieu of corporal punishment to service at home, or how would you apply it on foreign service?—Why, it would be difficult on foreign service.

1123. How were you taken in the retreat to Corunna?—I was fatigued off.

1124. That is, you were left behind by the Army?—Yes.

1125. There were a great number of men so left in that retreat, were there not?—Yes, I believe some of all regiments.

1126. And of course there was a great deal of drunkenness among the people that were left?—I don't think so, because we were under retreat night and day. I never was given to drunkenness in those days.

1127. Was it soon after you came from Sahagun you were taken?—I was taken on the 9th, at night; the night they left Lugo.

1128. You made a stand at Lugo?—Yes, we made a camp there; and then, when they broke up the camp, I was left.

1129. From what you saw during the time you were upon actual service, do you think it possible that an Army could be kept in a proper state of discipline without punishment at the halberds in the field?—I have seen men with the liquor stopped, and that is almost as bad a punishment. I have heard them grumbling among themselves.

*Private A. B., of 1st Foot Guards.*

1130. Upon the whole, are you of opinion that upon service you could do without the power of inflicting punishment at the halberds for serious offences, such as plundering?—Oh no; I should think not, for plundering or any thing of that kind.

1131. Have you any company courts martial in your regiment, where you sit over each other?—We have such things.

1132. How do you punish the men in those instances?—By what we term in the regiment *sling-belting* them.

1133. What is that?—Giving them so many dozen with the sling of a firelock.

1134. Upon the bare back, is it?—No, with the shirt on.

1135. Whereabouts is it?—On the bottom.

1136. With his trousers on, do you mean?—Yes.

1137. He is held by some of his comrades, and then it is inflicted upon him, is it?—Yes.

1138. He is laid down upon a bench, is he not?—Yes.

1139. Are those punishments frequent?—Not now; it is only for thieving from his comrades that he gets that.

1140. Or for dirty tricks?—Yes.

1141. Is that felt much among the soldiers?—It is disgraceful; he is never thought anything of if he is so punished.

1142. Is a man who has been so punished by the sentence of the court martial lower in the opinion of his comrades than a man who has been punished at the halberds, by a sentence of the regular court martial, for insolence to his commanding officer?—It is more disgraceful to be punished by his comrades.

1143. Then, in fact, the disgrace is considered to attach more to the crime than the punishment?—Yes, that punishment is disgraceful to a soldier.

1144. And, from the time the man receives that punishment, he is shunned by his comrades as a man of bad character?—In general he is.

[*The witness withdrew.*]

*A Corporal of the 1st Foot Guards* was examined as follows:

*Corporal of the 1st Foot Guards.*

1145. How long have you been in the 1st regiment?—Twenty-four years the 11th of August next.

1146. Were you a soldier before?—Never.

1147. Then you enlisted originally in the Grenadier Guards?—I did not enlist then; I was a drummer.

1148. What part of England do you come from?—I was born in London.

1149. And, at the time you became a drummer, were your parents living in London?—My father was a soldier in the regiment.

1150. How long did you serve as a drummer?—Ten years.

1151. How long did you serve as a private?—I have been about six years a corporal; I must have served then about nine years.

1152. When you first became a drummer, were punishments at the halberds more common than they are now?—Yes, very much so. Hardly a day passed but I have seen men flogged for the first ten years.

1153. Are punishments much less common now than they were then?—The system of flogging is much less, particularly so.

1154. Have you more extra drills, and punishments of that sort?—Yes.

1155. And in cases where men used to be punished at the halberds, what punishment is generally made use of in its room?—What we term *billing-up;* that is, men confined to the barracks for five or six weeks at a time for a crime for which, at former times, they, perhaps, received three or five hundred lashes. A man is never sentenced to *billing-up* by the sentence of a court martial, but imprisonment is the sentence of a court martial, and solitary confinement.

1156. Is the pay stopped by the sentence of a court martial ever?—Yes; for repeated instances of intoxication, or for being intoxicated when on duty.

1157. Then what are the offences for which a man now, at this time of day, is sentenced to punishment at the halberds?—Gross insubordination, by striking or drawing his weapon upon a non-commissioned officer or an officer. I have known an instance, not lately, of a man being punished for quitting his post, but only one.

1158. In your opinion would the punishment of solitary confinement or imprisonment have been a sufficient punishment for those crimes of insubordination to which you have referred?—Yes, upon some men.

1159. But, taking the general character of the men, would that sentence of imprisonment, or solitary confinement, have had sufficient effect as an example to the other men?—Yes, I think it would.

1160. And that the substitution of imprisonment for the punishment at the halberds would have an equally good effect?—It is my opinion it would.

1161. You have never been upon service in the field?—Never in my life.

1162. When a man is sentenced to imprisonment in your regiment, he is usually sent to Brixton gaol, is he not?—Yes.

1163. Now are you at all aware how they spend their time when they get there?—I never was inside Brixton in my life.

1164. Have you never heard the men speak of it?—I have never heard them say anything more than that the place was very hard.

*Corporal of the 1st Foot Guards.*

1165. Do you think the men are better conducted when they come out than when they went in?—Generally so.

1166. When a man has been punished at the halberds for such an offence as you mention, is he looked down upon by his comrades in consequence of that punishment?—I don't think he is by his comrades, but I think it has a great effect upon himself.

1167. In what way has it an effect upon himself?—He seems to be degraded in his own eyes, and is a marked man, as I should term it.

1168. But do the other soldiers shun his company for that?—By no means, unless it is for thieving, or for some disgraceful offence.

1169. Has the punishment at the halberds a great effect in deterring the other soldiers from committing the like offences?—I think it has.

1170. Upon the whole, do you think it possible to maintain the present discipline of the Army without the power of inflicting punishment in certain cases of insubordination and gross conduct towards the non-commissioned officers, and other superior officers?—Yes, I think it is.

1171. Have you known instances of company courts martial in your regiment?—Yes, I have known them, when I first came into the regiment; it was very common at that time.

1172. And have they been disused lately?—Very much so.

1173. But still, in case of theft from their comrades, or dirty practices, is it not the custom for the company to hold a court martial upon the man?—If it is committed above once by the same person.

1174. And what is the punishment generally inflicted by the court martial?—At the present time, they are generally confined to the barracks, and wear a label.

1175. Suppose a man refuses to wear this label, by what authority is it enforced?—He is ordered by his comrades. I never knew a man to reject it.

1176. Have you ever known men punished by means of the sling of the firelock?—I have known instances of it.

1177. Is it practised now?—No; it is not.

1178. When that was inflicted, was it a severe punishment?—I consider it more severe than flogging. I never experienced it, but I should think so.

1179. Do you say that flogging is degrading to the man himself?—Very much so.

1180. Have you known an instance of a man being punished, and afterwards becoming a good steady soldier?—I have known instances of a man being punished, and becoming a good soldier.

1181. Many instances?—I have known one or two of them: there is a man serving at the present time, who is as excellent a soldier as can be.

1182. Have you ever known a man who has been punished become a non-commissioned officer afterwards?—I have known a man become a non-commissioned officer after he had been punished.

1183. Have you ever been employed in recruiting?—Never.

1184. Suppose that the power of inflicting punishment at the halberds were done away with, do you think it would make it easier to obtain recruits?—I think it would.

1185. In the course of your service as a non-commissioned officer, have you seen any instance of gross insubordination?—I have. I have known men refuse to obey after repeated orders.

1186. In that case, when an immediate example is necessary—as a man's refusing in the face of the regiment—what is your opinion of the punishment of such a man for the sake of example?—I would imprison him. If that had no effect I would discharge him from the regiment. Such a man is not fit to be there.

1187. Do you think imprisonment is sufficient as an example?—Yes; marching a man away to imprisonment is.

1188. Do you not think it would induce other men to commit the same offence, seeing so light a punishment as marching a man away?—No; it never could induce a good soldier.

1189. It is the bad soldiers, the insubordinate fellows, that we are speaking of?—I should think so. By discharging him it would produce a great effect.

1190. Would you punish him before you discharged him?—Not by flogging: I would imprison him.

1191. You would not discharge him in the common way?—No; I would with ignominy.

1192. Do you think the men in general wish for their discharge or not?—I do not think so. I see very few who could better themselves. They may say so in the heat of temper, but I don't think they wish it.

1193. Do you think that the threat of being discharged would be a powerful inducement to behave well?—I think so.

1194. But, in your own case, should you like to be discharged?—I should not.

1195. And you think it is a general feeling in the Army?—I think so.

1196. But you never were brought up to any trade, were you?—No.

1197. Take a man who has been brought up to a trade, and can therefore obtain his livelihood, if he were to be discharged, does such a man as that in general wish for his discharge?—I never heard of any instance, even that of a mechanic; because I consider that, after fourteen or fifteen years, he is not worth much as a mechanic. The art of mechanism is become so improved that he would be useless.

1198. So that, in your regiment, the feeling certainly is generally that they don't wish to leave their present employment?—I think not.

1199. The Guards consider themselves as rather better off than the rest of the Army, do they not?—I don't know, I'm sure.

1200. They never go to the Colonies?—They do more duty, particularly more night duty, than the others. *Corporal of the 1st Foot Guards.*

1201. How many nights in bed have you?—Three. I have mounted nine guards, and three nights in bed.

1202. That is not the case with the men, because the men are not so badly off?—They are not so badly off.

[*The witness withdrew.*]

*Private* B. C., *of the* 1*st Foot Guards,* was examined as follows:

1203. How long have you been in the Army?—Twenty-one years in this regiment. *Private B. C., of the 1st Foot Guards.*

1204. What regiment were you in before?—The Durham militia.

1205. What age are you?—Fifty-three.

1206. You have a medal, have you?—Yes.

1207. Is that a Waterloo medal?—Yes.

1208. Were you at Waterloo?—Yes.

1209. Were you ever upon service anywhere else but upon that occasion?—Yes, at Bayonne; I joined the battalion there.

1210. Were you at the battle of Thoulouse?—No, I was not.

1211. Were you ever engaged with the enemy after joining your regiment at Bayonne?—Yes, on the 14th April.

1212. How long after you joined your regiment was the peace?—I joined on the 23rd March at Bayonne, and was engaged on the 14th April.

1213. And immediately after that came the peace?—There was some word of peace the night before.

1214. And then you were at Waterloo afterwards?—Yes.

1215. When you were in the militia was the punishment at the halberds frequent?—There was only one punishment at the time I was in the militia. I was there about two, or nearly three years.

1216. Who commanded the Durham militia?—Colonel O'Callaghan.

1217. Did Colonel O'Callaghan endeavour to do without punishments of that sort as much as he could?—Yes.

1218. There was only one while you were there?—Only one.

1219. How many years were you there?—About two years and a half.

1220. What was substituted in general in that regiment as a punishment?—There were some men in that regiment wore a log tied to their legs, and there were very severe extra drills.

1221. When you first went into the Guards were the punishments at the halberds more frequent than they are now?—Yes, a great deal.

1222. What punishment has been substituted in the Guards instead of the punishment at the halberds for the same offence?—Sentence to Brixton.

1223. Have you ever heard any of the men who came out from Brixton talk of their imprisonment there?—I have heard some say it is very hard, and they would not wish to go again.

1224. Do you think it has a considerable effect in deterring them from committing those offences again?—Yes, I do.

1225. Has it any effect upon the other men as an example?—Some, if they had been there, would still commit crimes.

1226. Supposing that a man were to be sentenced to Brixton, and his sentence to be read at the head of his regiment, and he should be sent from the parade to Brixton, would the effect of that as an example, in your opinion, be as great as the example of a punishment at the halberds?—Yes, I think so.

1227. Supposing a man to be punished at the halberds for gross insubordination, such as striking his non-commissioned officer or officers, or for leaving his post, or crimes of that sort, is the man after he has been punished thought worse of as a man by his comrades?—Some do think worse of him.

1228. Is his company shunned by the other men?—I never saw it particularly.

1229. Supposing a man to be punished for a disgraceful crime, such as stealing, is his company shunned by his comrades?—Yes, they won't own a thief, give him what punishment they will.

1230. Has the punishment at the halberds, in your opinion, a considerable effect in the way of example upon the other men?—They say they would rather go to Brixton, or any thing, than receive corporal punishment.

1231. What effect has it upon the man himself; does he seem to think the worse of himself afterwards?—That I cannot say,

1232. Does it tend to make the man more hardened in committing those offences?—That I don't know.

1233. What does a man think of a sentence by which his pay is stopped?—I never heard them say much about that. There have only been two or three, I think, that have had their pay stopped.

1234. Have you known any men who have been punished become afterwards good soldiers?—Yes, I have known some that have been punished that have never committed any crime afterwards.

1235. Have you ever known any of them become non-commissioned officers?—I am not aware of any that have.

*Private B. C. of the 1st Foot Guards.*

1236. Supposing a man to become a non-commissioned officer who had been punished, do you think that he would have as much authority over the soldiers as if he never had been punished?—I don't see but he might have as much authority.

1237. Are you a single man?—Yes, I am a single man.

1238. What trade were you brought up to?—A shoemaker.

1239. Whereabouts?—At a place called Whaston, in the county of York.

1240. What part of the county of York?—Near Richmond, towards Greta Bridge.

1241. Have you ever been employed in your trade in the regiment?—Yes; I have worked for the company.

1242. Now, if you were discharged, you could earn your livelihood at your trade, could you not?—Yes.

1243. Do you wish to be discharged?—Yes.

1244. Do you think that the men in general are desirous of obtaining their discharge?—Yes, in a general way, they are, when they have served twenty-one years.

1245. That is, because, when they have served twenty-one years, they are entitled to a pension; is it not?—Yes, it is.

1246. Before you had served your twenty-one years would you have wished to be discharged?—No, not for myself, but I have heard several say that they would.

1247. Is there a general feeling among the soldiers that they are better off than the common run of labourers in this country?—I have heard several of them say they are better off than three parts of the tradesmen.

1248. Are there many men who like the life of a soldier in preference to the life of a mechanic?—A great many do, more than the other way.

1249. Do the men feel that they are well housed, and well clothed, and well treated?—Yes.

1250. Now, supposing corporal punishment to be done away with entirely, do you think that that would have any effect in making men enlist more easily than they do now?—Yes, I think it would.

1251. You think there is a prejudice against the Army in consequence of the punishment, do you?—I have often heard it spoken of so.

1252. Do you think that certain offences, such as striking a non-commissioned officer or an officer, or those gross cases of insubordination,—do you think that they could be prevented without the power of inflicting corporal punishment?—I think, for thieving, or any great offence, either drumming out or transporting them would have a great effect.

1253. From what you have seen of service in the field, do you think that then it would be possible to do away with the power of punishment at the halberds?—Yes; I think it might be done away with.

1254. Always supposing that you are too good a soldier not to feel that it is absolutely necessary to preserve strict discipline in the Army?—That cannot be done without.

1255. And of course that you must have some means of inflicting punishments, which are much more of a nature to be inflicted directly than is necessary in common life?—Yes.

1256. Supposing a man to commit an offence while the Army is in the field, such, for instance, as pillaging, how do you think that that could be punished in such a way as to be an example to the rest of the Army without corporal punishment?—It could not be done then well. I don't see what punishment they could inflict on a man in the field.

1257. You are quite aware that it is necessary that some punishment, summarily inflicted, should be in the power of the commanding officer upon those occasions?—Yes.

1258. Have you known many instances of punishment by the men themselves after a company court martial?—Yes; I have known several.

1259. What sort of punishment do they inflict?—Different punishments; giving them eight or ten dozen stripes with the sling of a firelock on their backsides, and perhaps confinement to the barracks for a month or two.

1260. How do they contrive to confine them without authority?—By a company court martial. The sentence of the court martial is laid before the adjutant, and he takes the means to make the punishment effectual.

1261. But in those cases where you punish by the application of the sling, in the way you talk of, is the adjutant consulted then?—Yes; but that punishment is chiefly done away with now.

1262. Was that punishment considered a great disgrace to the soldier?—Yes.

1263. Was it considered as great a disgrace to a soldier as punishment at the halberds?—I think it was considered worse. It was never inflicted without they were tried by their comrades, and then it was only for thieving, or for dirty tricks in the barracks, or something of that sort.

1264. Now, is the situation of a soldier better or worse since you first became one?—It is a great deal better.

1265. All these corporal punishments are inflicted very rarely, and for gross instances of insubordination only, are they not?—Yes; it is very rarely that there is corporal punishment.

1266. Is it the feeling among the soldiers that if a man is brought up to a court martial of his officers that he is tried by fair judges?—Oh, yes, I don't see which way they can have any other opinion. I never heard anything to the contrary.

1267. You never heard any dissatisfaction at the composition of a court martial?—No, never.

[*The witness withdrew.*]

*Friday 3rd, April,* 1835.

The Right Hon. LORD WHARNCLIFFE, in the Chair.

*A Serjeant of the Scotch Fusilier Guards,* was examined as follows:

*Serjeant of Scots Fusilier Guards.*

1268. How long have you been in the 3rd regiment of Guards?—I think about seventeen years.

1269. What regiment had you served in before?—In the life guards about one year and a half: I purchased my discharge from the life guards.

1270. From what part of the kingdom do you come?—I am a Scotchman, and come from Fifeshire.

1271. In what situation of life were you before you entered the army?—I was in the agricultural line; my father was a farmer.

1272. What sized farm had your father?—About one hundred acres perhaps. He paid about £210 a year rent.

1273. Into which regiment of life guards did you enter?—The first regiment.

1274. Did you continue a private in that regiment till you left it?—I did.

1275. Where did you enlist in that regiment?—I enlisted in Edinburgh.

1276. Had the regiment a recruiting party in Edinburgh?—It had at the time, in 1815.

1277. Do they always keep a recruiting party in Edinburgh?—Not always; they did then. There was a very large augmentation to the regiment at that time.

1278. Do you know whether they keep a recruiting party there or elsewhere now?—I think occasionally they do. They have not one in Edinburgh now; but occasionally they have in some parts of the United Kingdom.

1279. You have been seventeen years in the service?—In the 3rd guards that time, but nineteen years in the service.

1280. How long have you been a non-commissioned officer?—I have been a non-commissioned officer nearly the whole of my time, about sixteen years.

1281. How long had you been a corporal?—About three years, and about three years drum-major. The remainder I have been a serjeant.

1282. When you were in the life guards, were there any corporal punishments?—When I was in them, there were none; but there have been corporal punishments in the life guards.

1283. Before you were in that regiment, or since, do you mean?—Since.

1284. How do you know that fact?—Only by what I have heard.

1285. Has that been within the last ten years?—No, before.

1286. In the case of a corporal punishment in the life guards, is the man allowed to remain in the regiment, or is he dismissed at the same time?—I believe the individual has ultimately been discharged the regiment.

1287. When you say ultimately, do you mean shortly after the punishment has been inflicted, or that he has been allowed to remain some time?—Very likely, as soon as the commanding officer could properly get rid of him.

1288. But he was not discharged immediately after the execution of his sentence?—No.

1289. What is the pay of a private in the life guards?—About 2*s.* a day.

1290. There are no deductions from that?—They have to find their necessaries, the same as in other regiments.

1291. Are they allowed beer-money too?—The beer-money is included in that.

1292. Are they always in barracks?—Yes, always when I was with them; the barracks were not large enough to contain the horses, and there were obliged to be certain numbers in quarters.

1293. Upon the present strength of the regiment, they are all in barracks?—I think they are here, but not at Windsor.

1294. They do not go beyond Windsor, and Brighton, and London?—I believe not.

1295. Do you know whether they have any difficulty in finding recruits in those regiments at present?—I think not.

1296. Men offer themselves?—They generally do. There are a number of men in the regiment have got some connexions, that they generally recommend their relations and friends to come there.

1297. They are waiting for vacancies?—Yes.

1298. With respect to the foot guards: since you belonged to the foot guards, has the infliction of corporal punishment been more or less frequent?—It has been much less frequent within the last eight or nine years.

1299. Have you had instances in your regiment of men sentenced to solitary confinement, or to confinement in prison, instead of corporal punishment?—Yes.

1300. What effect upon the man himself do you find the punishment of imprisonment has had?—It mainly depends upon the temper of the man. Some men who commit crimes are really good men, and solitary confinement in such cases will have a very good effect; but there are other kinds of men who are so bad, that no punishment would make an impression upon them. I know some men that, sooner than they would take a long drill with marching order, would prefer solitary confinement.

1301. What effect has it upon the character of a good man, or upon the whole manners and behaviour of a good man after he comes out of prison?—With regard to those men who have been awarded solitary confinement, I do not know of any case in our regiment that we ever sent them to a prison; we have always had cells with the regiment.

*Serjeant of Scots Fusilier Guards.*

1302. In the cases of solitary confinement in cells in your own barracks, how have you found it answer?—When men of a middling character have been awarded confinement without hard labour, I have thought it has had little effect.

1303. Where men are sent to such a prison as Brixton gaol, and they are put into company with persons confined for other offences, and are worked at the tread-mill, what sort of effect has that had upon them?—I do not think it has had a good one.

1304. Do you think that the association with the persons there has had a bad effect upon them?—I think it has.

1305. Have they come out more willing to submit to discipline than when they went in?—Not a bit generally, but as to some men, it has had the contrary effect.

1306. Their morals have not been improved?—No; quite the contrary.

1307. Where a man is sentenced by a court martial to imprisonment or solitary confinement, the sentence is read at the head of the regiment, and the man is marched off the parade to undergo his punishment?—In every case he might not go just then; but if it is read to-day, he goes to-morrow. He is marched off with an escort.

1308. He disappears from the sight of his comrades from that time till he has undergone his punishment?—Yes.

1309. Is there any ceremony attends that, such as stripping him of his clothes and putting on convict clothes, or does he go in his common dress?—He goes in his common dress as a soldier to the prison, with no arms, in his foraging cap and his regimental jacket.

1310. Has that punishment so inflicted, and with those ceremonies, as much effect in the way of example upon his fellow-soldiers as the corporal punishment?—In some cases it has that effect upon his fellow-soldiers.

1311. Is there any feeling excited in his fellow-soldiers in favour of the man who is tied up for corporal punishment?—I only speak for the regiment I am serving in; I never saw an instance of it, and I think the reason of that is, because I never saw any man in the regiment have punishment unless it was in a very gross case indeed.

1312. You mean to say, you think no such feeling exists in your regiment, because the persons who witnessed it thought the punishment was deserved?—Yes.

1313. What are the cases to which you allude?—The last I can call to my recollection was about two years and a half or three years ago. I was on the detachment at Brighton at the time; the detachment to which the man belonged was at Windsor. It was for insubordination and striking a non-commissioned officer, and for attempting to make away with necessaries; in fact, thieving from his comrade.

1314. Was there not the case of a man punished in the barracks at Charing Cross, in your regiment, which created a great deal of observation?—Yes, there was; but I did not know any thing about it till I saw it in the paper.

1315. It was not in your battalion?—It was not.

1316. Can you give any information upon that subject?—I can, respecting the man. The same man, after he came out of the hospital, deserted, and one of his comrades, not belonging to the same battalion, but to that battalion to which I belong, was at the house he had frequented during his absence, and there were some individuals who had contributed towards raising some money to purchase his discharge. The people of the house made some remarks respecting the punishment that had been inflicted on the deserter. In consequence of stating that he deserved the punishment, the man of my battalion got very ill used through it, and was obliged to leave the house; he was a private soldier.

1317. Is it your opinion there was no great feeling in favour of that man in the regiment to which he belonged?—There was not a jot.

1318. You say the punishment has not been inflicted for two years and a half; have you had no gross cases of insubordination in the regiment during that time?—We have now a man being tried by general court martial for being drunk, and striking the non-commissioned officer; it is sitting to-day at St. George's barracks; but there is no other gross case that I can call to my recollection.

1319. When a man has been punished by corporal punishment, do you think that his company is shunned by his brother soldiers in consequence of his having received that punishment?—No, I have not known that.

1320. In case of his having been so punished for a disgraceful crime, such as thieving, and so forth, do they then shun his company?—Whether he has been punished or not, the generality of men would not associate with a man of that character if they could avoid it; the offence is enough to prevent that.

1321. If his company is shunned, it is on account of the offence he has committed, and not of the punishment he has received?—Yes, on account of the offence.

1322. Have you known many men, or any, who have become good and steady soldiers who have undergone corporal punishment?—I have.

1323. Have you known many, or any, who, from being idle and disorderly, not merely persons who have committed one offence, have been reclaimed by corporal punishment?—I have known men that have been punished for crimes now punishable by solitary confinement, punished by corporal punishment, who have become very good soldiers afterwards.

1324. Have you known any instances of soldiers who after that have risen to be non-commissioned officers?—I have never known an instance of it. I do remember a case in my own company, a good many years ago, of a man who would have been appointed to be a non-commissioned officer, provided he had conducted himself soberly at the time we were in Portugal in 1826; he had received corporal punishment.

1325. Upon the whole, you say that the frequency of corporal punishment has been much diminished within the last nine years in your regiment, and that for the last two years and a half, you have been without any infliction of such a punishment?—Yes.

*Serjeant of Scots Fusilier Guards.*

1326. Can you, upon the whole, say whether your regiment is in a better or a worse state of discipline since the frequency of corporal punishment has been diminished?—I cannot say that it is in a worse state.

1327. Supposing corporal punishment to be entirely forbidden, do you think the discipline of the regiment could be kept in the same state in which it is now?—I could not give a correct answer to that; the punishment is now still hanging over individuals for certain crimes, and whether those individuals would be in the same state of order if that was not so, I cannot say.

1328. Do you think those particular offences, such as insubordination and insolence to non-commissioned officers, can be prevented by the infliction of solitary confinement, with or without labour?—I think that with hard labour it would have a most desirable effect; I do not think that being in a common gaol would at all answer the purpose.

1329. Have you ever been on actual service?—I was in Portugal about eighteen months in 1826.

1330. You then remained in Lisbon?—Yes, and a little way up the country.

1331. You never were in face of an enemy?—No, I was not.

1332. What do you conceive to be the general feeling of the soldiers with regard to the existence of corporal punishment in the Army?—I believe that the most of them would wish to have it abolished. I think so by what I have heard the men talk. That is my impression.

1333. Can you inform the Commissioners of the ground on which they wish to have it abolished; is it because they think it a degradation to the profession generally, or because they think it is too cruel a punishment to inflict on an individual?—I think, if it had not been mentioned in some other quarters, the military would not have been the first to have thought of such a thing. If it had not arisen in discussion in some other place, they would not have thought of it.

1334. You apprehend their opinion to be, that it is considered by others a degradation to the Army, and that, therefore, they so consider it themselves?—Yes.

1335. Do you not think a person who has been flogged in the Army, leaving the regiment, and returning to his own place, would feel himself disgraced by having suffered corporal punishment?—I am perfectly sure that feeling exists in the men at present, that they do not mind so much receiving the punishment at the time, but it is their friends knowing it afterwards. I know that by the men having told me of it, and having reported it to the commanding officer of ill-natured persons reporting it to their friends.

1336. You think they would be reduced in the estimation of their family and countrymen in their own place?—I am perfectly sure of that.

1337. You think it would have the effect of checking recruiting among the better classes in the parts of the country from which those men came?—I do not know that it has had that effect; but with regard to a man's own private feelings in the estimation of his friends.

1338. Have you ever been employed on the recruiting service?—Yes, in the life guards, not in the foot guards.

1339. Is it your opinion that solitary confinement, accompanied with hard labour, might, in most instances, supersede the necessity of corporal punishment in this country?—I cannot give a decided opinion, if it were entirely done away with; but it might, if the power of infliction still remained, have the desired effect.

1340. You think that solitary confinement, with hard labour, might be beneficially substituted, if the power of inflicting corporal punishment remained?—I mean for home-service, for I am perfectly sure from what I have seen it would not do abroad.

1341. When you say, from what you have seen, you have never yourself been quartered out of this island, except in Portugal?—No.

1342. Is it from the experience you derived from remaining in Portugal that you speak to the necessity of keeping it up on foreign service?—It is.

1343. Will you state what makes you think the retaining this will be necessary abroad when you think that imprisonment, with hard labour, might, in a great measure, supersede it in England?—I do not mean to say that I think it would be necessary to retain it; but that imprisonment would not do on foreign service, and that some other punishment would be necessary; some other punishment that could be inflicted summarily, something that could be had recourse to immediately.

1344. Can you point out any punishment that you think might supersede the tying a man up to the halberds abroad?—No, I cannot.

1345. Do you remember the punishment of the log?—Perfectly.

1346. How long has that been done away with?—I should think, in our regiment, about ten years.

1347. Was it frequently used?—Yes, very frequently.

1348. For what offences?—Men who had broken out of barracks, who were to be confined to barracks, and to drill so many days; if they attempted to break out of barracks they were punished in that way.

1349. What sort of feeling had the men in regard to that?—I do not recollect any bad feeling at the time it was in existence.

1350. It was inflicted mostly on very irregular soldiers?—Yes.

1351. Some of them would have preferred it to solitary confinement?—Those fellows who got the log were those that confinement would have had no effect on.

1352. What do you do with such fellows as those now?—We have only got the drill in marching order, and those worse characters are sent to the tread-mill.

1353. Do you find those offences more frequently repeated than when the log was used?—No.

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1354. Do you not *bill* them *up*, as it is called?—Yes.

1355. The men sometimes punish their comrades by their own court-martial, do they not?—When the commanding officer is at a loss to find out a guilty individual, he refers them to a board of their comrades; and they have a kind of a court of inquiry among themselves, and they point out the culpable person, and the commanding officer awards the punishment. I have known a man tried by a company court martial for tricks among themselves, taking their comrade's mess, and so on.

1356. Then they punish the man with a sling on his backside?—Yes.

1357. That is a very severe punishment?—Yes, it is.

1358. How many men have you had at a time *billed up*?—I should think, taking it on an average, not more than twenty-five to thirty, out of six hundred and odd men.

1359. Has increased attention on the part of the officers accompanied the discontinuance of corporal punishment?—No; the officers were always attentive. I am not aware of any difference.

1360. What has been the punishment in your regiment substituted for corporal punishment?—Solitary confinement, with and without hard labour.

1361. Have you known instances of a man's pay being stopped?—Yes.

1362. What effect has that had upon the man?—I think a very good one.

1363. There have, of course, been instances in your own regiment of great insolence and insubordination; where an immediate example is necessary, do you consider that sending off a man to solitary confinement, or giving a corporal punishment on the spot, has the greatest effect upon the individual, and the regiment at large?—We have very few cases of gross insubordination; I merely speak for my own regiment. I have never known a case so gross. The men in general are men of very good feeling. I do not think any very severe measures are necessary in our regiment.

1364. Are your men less addicted to drinking than those in other regiments?—I do not think that they are. I think that if we could abolish drinking, we could abolish all crime.

1365. Do you think that the crime of drunkenness has increased of late years among your countrymen the Scotch?—No; I do not think it has.

1366. But, notwithstanding the men of the regiment being addicted to drinking, you have not had any cases of very gross insubordination in your regiment?—No.

1367. You take great care, perhaps, not to irritate drunken men in your regiment?—That is a most particular order; in a word I would say for our officers, there is every means used to induce the men to do their duty by easy means, and every indulgence is shewn to them.

1368. Colonel Keate commands the regiment?—He does.

1369. Do you think the system of canteens contributes to the temperance of the regiment, or the contrary?—I think the canteen is necessary, because if the men cannot have what they want in the barracks, they will go out, and we like to keep them as near the barrack as possible. That is always an object.

1370. Do you think the men drink more spirits of late years, and less of beer?—No, I do not think it; I think it is much about the same.

1371. Are you able to keep the soldiers confined to barracks out of the canteens?—Yes. We are in the Tower, which is one of the worst in that respect in England. There are three canteens without sentries over them. We give them extra punishment if they go in there. We have had instances of that with worthless fellows on whom punishment has no effect.

1372. It would be much better to get rid of such men?—Yes, much better, if it was in the commanding officer's power, he would be glad of it.

1373. That might have the effect of inducing others to behave ill to get out of the regiment, might it not?—Not men who have served their time; men who have seen sixteen or seventeen years' service.

1374. Is the pay of the men whose pay is ordered to be stopped, stopped entirely, or left in the hands of their captain to be given to them at any future time?—It is entirely stopped.

1375. It is never issued?—I am a pay-serjeant, and I know the pay is stopped; it is never issued by the agent.

1376. What is your weekly stoppage for mess?—Three shillings and fourpence farthing, and including washing, three shillings and tenpence farthing.

1377. Are there any occasions where a soldier is confined for a few days or a week, and when he comes out he receives his pay for that time?—The commanding officer has not it in his power to stop it, unless a man is tried by court martial and sentenced to that.

1378. Have you a serjeant's mess in your regiment?—The non-commissioned officers, the corporals, and serjeants together, have a mess; but they pay the same for the messing, with the exception of a penny a-day for mustard and pepper, and things more respectable than the men.

1379. Has that been long established in your regiment?—It has been in force ever since I have been in it. It is precisely the same as the men's mess, but they mess by themselves, and this penny a day they put on themselves, for the sake of having a little of those things they prefer.

1380. With respect to rewards, as an inducement to persons of a better description to enlist in the Army, have you considered whether an order of merit, descending to the lowest rank in the Army, would have the effect of inducing persons of that description to enlist?—I have often thought in my own mind, that awarding some honorary mark to individuals actually serving, would have a wonderful effect. Such men as had not been reported for two, three, four, five, six, and seven, and so many years. I have often thought some distinguishing mark would add wonderfully to the conduct of a regiment. I do every thing to induce my comrades to behave well, and I flatter myself that they do behave well. My commanding officer has formed a

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reading-room, and given a library, for the use of the men of good character, who are one year clear of all reports against them; being a quarter of an hour late for parade, or anything of that sort, forms the subject of a report. He always lets them attend and amuse themselves with useful books.

1381. Supposing the men, after obtaining their discharge after a certain number of years' service, obtained also some civil advantages, such, for instance, as the right of voting for members of parliament, exemption from parish offices, and so on, do you think that would be any inducement to good conduct?—I do not know that it would; they are generally so young when they enlist that it is a secondary thought. It must come to their minds when they are of more mature years. They are very young when they enter; it is their fancy, and they are giddy.

1382. Would any certificate of good behaviour, to be shown to their friends and wherever they may go, have any effect?—They have that, if they have served twenty-one years, and have a good character from the commanding officer. That is in the parchment certificate issued now. Their character is there stated, whether they are honest and sober and trustworthy.

1383. At present every man who has served twenty-one years is entitled to the pension, is he not?—No, I cannot say that he is entitled to it. At one time no one could claim their discharge, but they generally got it at twenty-one years. Now they do not get it precisely at that time.

1384. If they are discharged at twenty-one years, unfit for service, they do get it?—Yes.

1385. Do you think it would have any effect on the enlisting for the Army if men were entitled to their discharge at the end of a certain time, say twenty-one years, and a pension, unless during that time they had committed a certain number of offences?—No, I do not think it would.

1386. When you speak of an order of merit, do you mean a medal or riband, or something of that kind, to wear?—I should think so; some distinguishing mark of good conduct.

1387. And which distinguishing mark they might keep even after they were discharged?—Certainly.

1388. So as to give them a degree of estimation in their own home?—Yes, and that, if they misbehaved themselves during service, that should be taken away from them.

1389. That would create no jealousy among the others?—No, but, on the contrary, it would stimulate the others.

1390. Are the certificates of good character given after an examination, so that they can be relied on as real certificates of character?—Yes; if a man gets a military character as being a good man, every officer who signs his certificate can vouch for it.

1391. It is given on a careful examination of the regimental record?—Yes, every regiment has a book, and every report is entered in it. If he was too late at parade, that appears in the book against him. The adjutant sends the character of the man to the board of officers.

1392. If a man is entitled to a pension, what is done?—His character goes before the board just as it appears; the verification of his character, whether good or bad, goes before the board at Chelsea, and it rests entirely with them.

1393. Do you know the difference of pay between a private in the Guards and a private in the line?—Yes, it is a penny a day.

1394. And the Guards are generally quartered either in London, Brighton, Windsor, or Dublin?—Yes, except in cases of service.

1395. Did you ever hear of an instance of any of the Guards being sent to any foreign Colony?—No, not within my recollection.

1396. Do the men in the Guards consider that they have an advantage over the men in the line?—There is an advantage, certainly.

1397. Does that circumstance enable you to get men of a better description in the Guards, or to keep them in better order after they are in it?—I think that enables them to get better men.

1398. Generally speaking, do you think that well-behaved soldiers wish for their discharge?—I have never known a case, unless they had some better prospects than when they entered the Army; unless their circumstances had changed.

1399. But generally you think they are well satisfied with their situation, and do not wish to return to their friends?—I have known many instances within my own battalion of men purchasing their discharge, and in less than twelve months coming back again. I purchased my own, and returned again.

1400. Have the privates in the Guards a penny a day besides the one shilling and a penny?—Yes, making eight shillings and twopence a week. There are a few men who have a further penny a day after seven years' service.

1401. They pay three shillings and tenpence a week for their messing and washing?—Yes, at present, but I have seen it as high as four shillings and sixpence, and four shillings and sevenpence.

1402. That leaves to a soldier who has got the increased pay four shillings and fourpence a week?—Yes.

1403. All that can be stopped under the Mutiny Act from a soldier, for any crime he may commit, is a penny a day, is it not?—The first stoppage. He may be tried by court martial, and his beer-money stopped, but while he is absent, if he is not tried for desertion, the whole of his pay is stopped during his absence; and after he is tried by court martial, if he is tried for habitual drunkenness, he forfeits a penny a day and his beer-money.

1404. When a man is in confinement he gets only the gaol allowance?—Just so.

1405. Do not you think if a soldier were sentenced to lose the whole of his four shillings and fourpence a-week, instead of one penny a-day, it would have a greater effect in preventing

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drunkenness and those crimes for which he is now sentenced to lose only a penny a-day?—That would be throwing the expense upon his colonel. The colonel must supply him with necessaries, and that would be throwing upon his colonel perhaps four, five, six, or seven pounds.

1406. The suggestion is to sentence him to pay five shillings for instance, for drunkenness, that he shall pay four shillings and fourpence in the week, and the wear and tear of his necessaries during that week could not be such as to throw him into debt; would it not be better, instead of sentencing him to sixty pence, to be paid in sixty days, to sentence him to pay sixty pence, to be paid in ten days?—I think that if a fine was awarded on a man, and left in the hands of the commanding officer, without sending it to a court martial, the same as a magistrate would do, if he is absent from his work in the case of a civilian, that would be useful.

1407. Are the men paid daily?—Yes, they are, every day.

1408. When men are not in debt, what does a private receive to spend?—Sevenpence, eightpence, and ninepence a-day, according to his class.

1409. Do men provide their own necessaries?—They do not; we furnish them with them.

1410. How are they furnished to them?—They are furnished from the quarter-master's store. The quarter-master gets them from the tradesmen at a price fixed by contract.

1411. Supposing a man wants a new shirt, does he apply to you?—There is an inspection weekly by the officer of the company. He inspects the man's pack every week.

1412. If he sees any deficiency he directs it to be supplied?—The private points out that he wants such a thing, and it is furnished to him from the quarter-master.

1413. Is there a board of officers established in the regiment, for the purpose of settling the price and quality of articles supplied to the men?—The prices are tendered to the commanding officer; the board consists of officers and men, who examine the articles and approve of them.

1414. How many officers are there on that board?—Generally three.

1415. Any non-commissioned officers?—I have never known a case of a non-commissioned officer.

1416. How many men?—Generally four or five soldiers of good character.

1417. The articles are got at the lowest rate at which such articles can be obtained?—They could not be obtained cheaper anywhere.

1418. You have never sat on that board?—No, but I perfectly understand the nature of it.

1419. Have you ever been present at the sitting of that board?—I have been present when the articles have been shown to the commanding officer, when they have been brought to the men, and the pattern shewn to the commanding officer: each tradesman sends in his pattern with the price.

1420. Have you ever heard that there was any backwardness on the part of the men sitting on that board in giving their opinion on the quality or the price of those articles, if they disapproved of them?—No, never.

1421. Do you believe that they give a free and fair opinion upon the articles so supplied?—Yes, I am sure of it.

1422. Does that regulation give universal satisfaction in the regiment?—I know it does.

1423. Is that regulation general in other regiments?—I know it is in the Guards.

[*The witness withdrew.*]

*A Corporal of the Scots Fusilier Guards* was examined as follows:

*Corporal of Scots Fusilier Guards.*

1424. What countryman are you?—From Norham, near Berwick-on-Tweed.

1425. How long have you been in the Fusilier Guards?—Better than five years.

1426. During that time where have you been quartered?—In London, Windsor, Dublin, and Brighton.

1427. What situation in life were you in before you enlisted in the regiment?—I was in business for myself as a slater and glazier.

1428. Were you a master?—Yes.

1429. Your trade did not answer?—No.

1430. And so you enlisted?—Yes.

1431. What age were you when you enlisted?—I think between twenty and twenty-one.

1432. Had you any relations or friends in the regiment before you enlisted?—None.

1433. You were induced to enlist because you were in difficulties?—It was a thing I always set my mind on when I was an apprentice.

1434. You had rather a fancy for the army?—I had, from a boy.

1435. And, finding you were not doing well in your trade, you thought you would try it?—Yes.

1436. Having tried it, do you wish for your discharge?—No, I should not wish to accept it.

1437. How long have you been a non-commissioned officer?—I have been acting and full corporal better than four years.

1438. About a year after you joined the regiment you became a lance-corporal?—Yes.

1439. Since you joined the regiment have you seen many instances of corporal punishment?—No, not a great many.

1440. How many do you think you have seen?—Four.

1441. For what description of offences were those punishments inflicted?—To the best of my knowledge the first was for insubordination to a non-commissioned officer. The three that

*Corporal of Scots Fusilier Guards.*

followed were chiefly for habitual drunkenness, and making away with their necessaries, and insubordinate conduct in the guard-room.

1442. Have you known instances of men sentenced to confinement in prison, or to solitary confinement, with and without hard labour?—Yes.

1443. Are there more sentences of that kind now in the regiment than when you first joined it?—There are a great many more.

1444. Having witnessed corporal punishment, what effect in your opinion has the infliction of that punishment upon the minds of those on whom it is inflicted?—That I should think depends entirely upon the sensibility of the man. A sensible man takes it very much to heart, and it is very seldom that he holds up his head again. But as to other men, ignorant men, I have heard them say, after they have got better from the effects of the punishment, that they would sooner accept it than two or three months' imprisonment.

1445. Referring to solitary imprisonment?—Yes.

1446. You have spoken as to the effect on the individual punished; what is the effect upon those who witness the punishment, whether it operates as an example to them, more or less, than a man being marched off to solitary confinement?—It does certainly, for I have seen many men fall out of the ranks. I have fallen out of the ranks every time myself.

1447. You think it has more effect upon the men than solitary confinement either with or without hard labour?—Yes.

1448. When a man has been punished corporally, is his society shunned by his companions, supposing it to be for a military crime only?—No, such of his companions as had been in the habit of associating with him before would still associate with him.

1449. Supposing it was a disgraceful offence for which he was punished, would there be the same feeling?—I have never seen any difference.

1450. In point of fact, you have not observed that a man who has received corporal punishment is shunned by his companions?—No, not at all; that is among such of his companions as he generally associated with; but good men shun his company, both before his punishment and afterwards.

1451. Do they shun his company in consequence of the punishment, or in consequence of his character, or the offence he has committed?—His general character.

1452. The actual infliction of the punishment is not the disgrace to him, but the offence he has committed?—I do not think the disgrace of the punishment is taken into consideration in general in the regiment.

1453. Have you ever heard the men talk of the effect that would be produced on the minds of their friends and relations at home by the knowledge of the fact of their having been punished at the halberds?—No; I cannot say that such a thing ever came to my knowledge.

1454. Upon the whole, do you think that solitary confinement in prison, or confinement in prison without the power of inflicting corporal punishment, would have as much effect in maintaining discipline, as the present system?—Imprisonment with hard labour, such as the tread-mill, has a very good effect upon them; but solitary confinement or simple imprisonment I know is preferable to some men in our own battalion to a few days' drill. I have heard them express themselves that they would sooner go into our cells, at the hospital in Pimlico, than they would go to drill with a knapsack on.

1455. The question refers not only to the individuals, but to the persons who witnessed the punishment, as, to maintain discipline, it is necessary to have punishments that will be an example?—The corporal punishment generally is the most striking to the spectators.

1456. Do you think that it excites a feeling among the men rather in favour of the man who is punished, or that it makes them more careful not to fall into his error?—It may make them more careful not to fall into his error; but I know that it does not create any feeling towards the man, for they know that he deserves it.

1457. You say you have been yourself affected by witnessing a punishment?—I cannot say that I ever witnessed one to the end.

1458. Notwithstanding that, your impression is that which you have stated?—Yes.

1459. Have you known instances in which men have had their pay stopped by sentence of a court martial?—Yes.

1460. What effect has that upon the men?—I do not think it has very much effect.

1461. If a larger portion of the pay were stopped, do you think it would have more effect?—No; as to those sort of men, it is not their own pay which leads them into the errors; it is the people they associate with out of the barracks. No soldier can get himself the worse for liquor on his own pay.

1462. He is led into these circumstances by bad company?—Yes; and bad company supplies him with the means of keeping it up.

1463. You do not think that the stoppage of his pay would be felt such a punishment as to deter him, or act as an example to others?—No.

1464. You have said you do not at present wish for your discharge; do you think that a general feeling among the soldiers in the regiment?—I do not know; I cannot answer for them.

1465. Does that depend very much upon the length of time the man has served?—No: I should think it depends upon the situation he is in the regiment, and the treatment he has met with in it.

1466. You cannot say whether the men in general wish for their discharge?—No, I cannot.

1467. Do you think it would be a punishment to them to be discharged, or a reward?—I think it would be a punishment to many of them.

1468. Would the bad ones feel it a punishment to be discharged?—We have had several discharged, after twelve or fourteen years, who considered it a punishment.

*Corporal of Scots Fusilier Guards.*

1469. Because they lost their claim to pension?—Yes.

1470. Who are the persons who furnish them with the money to get drunk?—The prostitutes generally.

1471. Do you consider that drunkenness is the general cause of the other offences committed by the soldiers?—I do.

1472. So that, if drunkenness could be checked, the offences in the Army would be very few?—They certainly would. I have never seen an offence committed in the battalion yet but that the man was intoxicated.

1473. Do you ever hear grumbling in consequence of the good men having to do the duty of the bad men who are imprisoned?—Frequently.

1474. Do any means occur to you by which drunkenness might be checked?—No; it is very difficult indeed to put a stop to it.

1475. Is a man fined for being drunk?—No; he is put into the guard-room if he is seen by a non-commissioned officer, and kept there till he is sober, so that he may not create any disorder among his comrades.

1476. Do you not think if he was fined every time he was seen intoxicated that would tend to prevent it?—No; I do not think it would.

1477. You say you have been some years in the regiment, and are now a corporal: supposing there was an order of merit in your regiment, and that your good conduct for that five years had entitled you to a distinction by way of medal or riband, would you prize that?—I certainly should.

1478. Do you think the establishment of such a thing as that would be a gratification to the men in general?—I do.

1479. Do you think that would induce persons more readily to enlist into the regiment?—I cannot say; but I think, after they have enlisted, that would be an inducement to them to behave better; that is to say, such men as are sensible of the distinction.

1480. Suppose a man committing certain offences was, by so doing, to forfeit that distinction, do you think that would have an effect in preventing the commission of those offences?—Certainly it would.

1481. Supposing that a soldier, when he was discharged, was entitled to wear that distinction, and also to receive certain civil advantages, such as voting for members of parliament, and exemption from serving certain parish offices, would that have any effect in inducing men to enlist?—To a man who had sensibility enough to be aware of the privileges that he would derive, that certainly would be an inducement.

1482. Are the men who enter the Army generally very young?—We take none beyond twenty-four.

1483. When men have been confined in Brixton gaol, have you found that when they came out they were better conducted generally than when they went in?—For a time I have heard them express great abhorrence of that sort of punishment with the tread-mill.

1484. Has the company with which they associated in those prisons had any effect upon them?—No; I cannot say that I have noticed any change for the worse.

1485. Men of bad character returned to their old habits after a time?—Yes; after a time their fear of punishment wears off.

[*The witness withdrew.*]

*Private* C. D., *of the Scots Fusilier Guards,* was examined as follows:

*Private C. D., of Scots Fusilier Guards.*

1486. How long have you been in the Fusilier Guards?—Twenty-three years and three months.

1487. What countryman are you?—An Englishman, from Surrey,

1488. Had you ever served before you were in the Fusiliers?—Yes; in the militia; I volunteered from the South Hants militia.

1489. You have got a medal; is that a Waterloo medal?—Yes.

1490. You were in that action?—Yes, I was.

1491. Had you served before that campaign anywhere?—Yes; I was in the latter part of the Peninsular war; I joined in 1813 at Irun; I was in the sortie of Bayonne.

1492. Since you came into the regiment has there been a difference in the number of persons punished at the halberds by corporal punishment?—Yes; there have been much fewer during the last few years than there were before.

1493. What sort of offences have the men who have been punished within the last few years been punished for?—Generally for insubordination; violent conduct to a non-commissioned officer.

1494. Have you ever been a non-commissioned officer yourself?—No, never.

1495. Can you read and write?—Yes.

1496. Has it ever been offered to you to be a non-commissioned officer?—Yes.

1497. Why did you not become a non-commissioned officer?—Because it did not suit me; it did not take my fancy.

1498. You think that there is less duty to be done by a private?—It is not for the duty altogether. I am not aware that the duty of non-commissioned officers was any thing I could not do; but I was otherwise engaged at the time, and did not choose to be tied.

1499. You say that the punishments have been less frequent in your regiment: what other punishments have been substituted in the lieu of them?—In some cases solitary confinement; in others hard labour, and both sometimes.

1500. Sometimes confinement in the barracks?—Yes; for minor offences there is a scale of punishments in the regiment.

*Private C. D., of Scots Fusilier Guards.*

1501. Have you known instances of men being sent to Brixton gaol?—Yes, sometimes, but very few with us.

1502. Or any other gaol?—Coldbath-fields is generally the prison our people are sent to.

1503. You have, of course, witnessed a great number of corporal punishments yourself?—Yes, I have, a great many.

1504. But more in former times than latterly?—Yes; we have scarcely a man punished now. I think it is upwards of two years since a man was punished in that way.

1505. Does the sight of corporal punishment have a great effect upon those who see it?—No, I do not think it does. It takes effect upon some young soldiers; it will frighten them; but a man who has been some years in the service, I do not think it takes any effect upon him whatever. He gets inured to the sight of it.

1506. Supposing a man to be sent from the parade to be punished by solitary confinement, does that have more effect upon the men, or less?—I think there is very little difference in the men. I do not think they complain so much of anything as hard labour; that is the thing they fear.

1507. What effect has corporal punishment upon the men generally?—In general it makes a middling soldier a very bad one.

1508. None but a middling soldier would be subject to it?—No, he must be guilty of some bad crime.

1509. After a man is punished, how do his companions treat him?—He very often is slighted, and that drives him to worse things than he has done before.

1510. Is he slighted on account of the punishment, or on account of the offence?—It is more for the offence.

1511. Do you think he is more slighted after he has received corporal punishment than after he has been sent to Brixton gaol?—Yes; there are all sorts of characters among soldiers. The first thing that offends a man, it will be thrown out against them that they have been whipped.

1512. If a man returns to his own place, do you think he will be held in less estimation among his relations and friends for having been flogged?—No, I do not think he would.

1513. Provided they knew the cause?—Yes, provided it is not disgraceful, provided it is nothing unnatural.

1514. Among the soldiers themselves is there any strong feeling against the infliction of corporal punishment?—Yes; I consider that there is not one thing in the Army that is carried into effect that sets the minds of the men so much against their officers as corporal punishment.

1515. Do they look upon it as a degradation of the Army in general?—Yes.

1516. And as being a disgrace particularly attaching to the Army?—Yes.

1517. Has that feeling of late years increased?—Yes, I consider it has become general within the last ten years; I may say, certainly, less than that; the less corporal punishment is carried into effect, the more the men seem to be set against it.

1518. That feeling has grown up since it has been so much talked of in the country?—Yes, it has.

1519. You have been a soldier many years, and have been on service; do you think that it is possible to do without corporal punishment on service?—No, I do not see how it could be possible without; how they could provide any substitute on service for it. It would take the good part of the Army to look after the bad.

1520. In certain cases of insubordination, when it was required to make an example at the time, do you think, in such cases as that, it would be possible to do without corporal punishment?—Yes; on home service I think they might do without it. There are cases, certainly, that call for the infliction of some punishment greater than others, and there is no other punishment which can be inflicted without throwing a man's duty on his comrades.

1521. Supposing, on a march, a man refused to march, and laid himself down, and that there was a disposition in the others to do the same, and it was necessary to check it, do you think any other punishment could be substituted that would be as effectual as a corporal punishment upon the spot?—All the means I could advise for such a man would be to tie him behind a cart, or something to drag him on, and not let him ride.

1522. Some punishment that should take place at the moment?—Yes.

1523. You have known men sentenced to a stoppage of pay by a court martial?—Yes.

1524. What effect has that upon the men?—I think it has as great an effect as anything that can be put on a soldier. Nothing grieves a man more than to have his pay stopped. I think, if a commanding officer were empowered to stop a man's pay for being absent from barracks, it would check that crime very much.

1525. You wear a medal; are you proud of that medal?—Yes, I am proud of it, as I think I deserved it; I got it honestly.

1526. You would be very sorry that you should forfeit it by any means?—Yes, I would.

1527. Supposing that you committed an offence, and the court martial were to strip you of that medal, would that be a severe punishment to you?—Yes, it would hurt me more than either corporal punishment or imprisonment would.

1528. Supposing there was an order of merit in the Army, by which a man, after a certain number of years' good conduct, was entitled to wear some distinction like a medal or a riband, do you think that would have a good effect on the minds of the men?—Yes; I think it would cause a spirit of emulation in every one; they would exert themselves to get it if there was a reward offered for it.

1529. Do you think that, generally speaking, the taking away that distinction from the man,

*Private C. D., of Scots Fusilier Guards.*

either by his officer, or the sentence of a court martial, would form a great inducement to good behaviour?—Yes, I think it would.

1530. Supposing, also, that if a man was discharged after a certain number of years' service, he was to have given to him a right of voting for members of parliament, or an exemption from serving as constable, and so forth, in his parish, do you think that would have any effect?—To those that know its value; but I think to the men in the Army, in general, it would have no effect, for they do not many of them think much of the value of anything of that kind. There may be cases in which it would have that effect.

1531. Perhaps you are of opinion that soldiers do not think so much about these things as some others?—No, I do not think they do.

1532. Supposing that there were no corporal punishment in the Army, and this order of merit were established, do you think those two circumstances taken together would be an inducement to young men to enlist?—Yes, I think they would; I think if there were some kind of benefit arising from the service, or any kind of class of men that could be rewarded better than others, that would have a greater effect than anything that could be offered to the Army.

1533. After you have served your twenty-one years, if you become unfit for service you would be discharged with a pension?—Yes.

1534. Supposing that, when a man has served his twenty-one years, he did not get his pension unless he had a good character in the regiment, would that have the effect of influencing a man to good conduct?—Yes, I am sure it would, generally speaking; there are some men that nothing will have an effect on—nothing will deter from crime, whatever means are taken.

1535. You have served twenty-three years; do you wish for your discharge?—I should like to get it very well, if I were discharged with a pension.

1536. What is your trade?—None, I am a labourer.

1537. Supposing you were discharged with a pension, how much should you receive?—I do not know. If I was discharged as unfit for service I should receive thirteen pence halfpenny a day.

1538. Supposing you received thirteen pence halfpenny a day, and returned to your friends, do you think, at your time of life, and after the habits of so many years in the Army, you should return to daily labour?—Yes, I think I should; it would go very hard with me at first.

1539. Generally speaking, among your comrades, who have not served their twenty-one years, do you think there is a wish to obtain their discharge?—In a great many cases. I think there are a great many who would not know what to do with themselves, and a great many who would be glad to get their discharge at any risk.

1540. What is your age?—Forty-one.

1541. Are your parents living?—Yes, my father has a pension for having served in the Coldstream Guards.

1542. You say that corporal punishments have been diminished, and other punishments substituted in your regiment; do you think it is in as good a state as before the number was diminished?—Yes, I think it is in as good a state as ever I knew it.

1543. Do you think the offences increase or decrease?—I think they become fewer.

1544. In the regiment has there been any corporal punishment within the last two years?—Yes, one in the regiment, but not in the battalion I serve in.

1545. Was that the man punished in the barracks at Charing Cross?—Yes.

1546. What was the character of that man?—A very indifferent one.

1547. Do you think that his comrades considered that he did not deserve that?—No, I think that the feeling was that he deserved it; the conversation was that they ought to have given him ten times as much.

1548. There are very few soldiers in the regiment who have served so long as you have, are there?—There are fourteen or fifteen who came in about the same time that I did.

1549. You have seen a great number of new men come into the regiment?—Yes, the greater part of the regiment now have come within fourteen years.

1550. Do you think that since the termination of the war you have got a better description of men than you had during the war?—Yes, a great deal. Where there was one man that could read and write there were twenty that could not in former times; now, for one man that cannot, there are twenty that can.

1551. Which description of men are the best conditioned men?—Those that can read and write. The worst men we get are those from the coal countries, the colliers.

[*The witness withdrew.*]

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*Monday, 6th April,* 1835.

The Right Hon. Lord WHARNCLIFFE in the Chair.

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Lieutenant-Colonel Hon. *Charles Grey* was examined as follows:

*Lieut.-Col. Hon. Charles Grey.*

1552. You are in command of the 71st regiment?—Yes.

1553. Where is it quartered now?—At Edinburgh Castle, where it has been since it returned from Bermuda in October last.

1554. Were you with it at Bermuda?—No.

1555. What regiments have you served in previously?—The Rifle Brigade, and the 43d, the 23d, and 60th.

1556. How long have you been in the Army?—Nearly 15 years.

1557. Is this the first regiment you have commanded?—I have been in command of the 60th, as major, for three months.

1558. The 60th is a rifle corps?—Yes.

1559. Where have you been quartered since you joined the Army originally?—In Ireland for the first two years and a half; then at Gibraltar. I was in Portugal with the 43d fifteen months; afterwards in Ireland, and latterly in Scotland.

1560. Were you in Portugal at the time of Mr. Canning's administration?—Yes.

1561. Have you ever turned your mind to the subject of punishment in the Army?—I have naturally considered it a good deal, both as commanding officer of the regiment, and formerly as captain of a company.

1562. Have you ever considered how far it might be possible to get rid of the punishment at the halberds?—It has always been my opinion that it is perfectly impossible to do away with it altogether.

1563. Since you have taken the command of the 71st, have you endeavoured to do without the infliction of that punishment?—Yes; since I have had the command of the 71st I have never had occasion to inflict that punishment. I was Gazetted to the regiment in August, 1833, and have been in command since it came home, six months ago.

1564. How long has the 71st regiment been at home?—Since October.

1565. And previously to that you were in command of the depôt?—Yes, for a short time.

1566. How many men did that consist of?—Our establishment was two hundred and twenty-four, but we had about two hundred men.

1567. How many strong is the regiment now?—We are over six hundred men at Edinburgh. The establishment is six hundred and fifty-nine rank and file.

1568. Neither in the depôt you have commanded since August, nor the regiment you have commanded since October, have you had to inflict punishment?—I joined the depôt shortly after being appointed to the regiment, and commanded it for two months. I took command of the regiment on its return from abroad. Neither while at the depôt, nor since the regiment came home, have I had occasion to inflict corporal punishment.

1569. What other punishments have you substituted in cases where corporal punishments would have been inflicted some years ago?—Imprisonment with hard labour; solitary confinement by sentence of court martial; such punishments as are in the power of the commanding officer, viz., forty-eight hours in the cells, heavy marching-order drill, confinement in the defaulters' room, with confinement to barracks.

1570. Solitary confinement being inflicted in the barracks do you mean, or have the men been sent to the county gaol?—Invariably in the cells.

1571. There are cells in Edinburgh Castle?—Only three.

1572. Have they been found sufficient for that purpose?—Sufficient for men under sentence by courts martial; but it has occasionally happened that, when I wished to put a man in the cells for twenty-four or forty-eight hours, without a court martial, I have not been able to do so, in consequence of their being occupied by men under the sentence of courts martial.

1573. When your cells were full, and you had more prisoners to confine, what did you do with them?—The man benefitted by it so far that he got rather a slighter punishment; I gave him seven days in the defaulters' room, and heavy marching-order drill.

1574. So that you have not had accommodation for confining more than three men solitarily?—No; but it was very seldom we wanted to put one in that we had not a vacant cell.

1575. Have you found that that punishment has had an equal effect in maintaining discipline with the infliction of corporal punishment?—Speaking from the discipline of my own regiment, I certainly have found no difficulty, for we have really no crime whatever in it. Restricted as corporal punishment now is, by the circular from the Horse Guards, to such crimes as drunkenness on duty, insubordination, and selling necessaries, there have been only two cases in six months coming under any of these heads. One of these cases, a man who got drunk on Holyrood guard, was sentenced to imprisonment with hard labour; the other, a man guilty of drunkenness and striking his serjeant, for which he was tried by a general court martial, was sentenced to be transported for fourteen years; and there has been no other instance since the regiment came home in which corporal punishment would have been awarded.

1576. Then, if you have been able to maintain the discipline of that regiment without having recourse to corporal punishments at all during that time, why do you think it necessary to retain the power of inflicting corporal punishment?—When cases of insubordination occur they require to be instantly checked. In the 71st they are particularly well-behaved men, but it requires a strong example to check such crimes if they do occur.

1577. Do you speak on that from experience in other regiments?—Certainly.

1578. When you were in Portugal with the 43d regiment, do you think discipline could have been maintained in the situation you were in without inflicting corporal punishment?—Most decidedly not.

1579. Had the regiments frequent occasion to inflict it?—We had at first: there was hardly any at the latter part of our stay.

1580. Where were you quartered?—We staid at Lisbon for a fortnight to get ready to go up the country: we remained six weeks at Leiria, five months at Thomar, and seven months at Lumiar, in the neighbourhood of Lisbon. During the stay at Lumiar we scarcely had a punishment, being the last seven months of our stay in Portugal.

*Lieut.-Col. Hon. Charles Grey.*

1581. Liquor, and the means of intoxicating themselves, are easily obtained by soldiers in that country?—Very easily, indeed.

1582. So that, at first, when the regiment went into that country, there were considerable temptations to drunkenness and acts of insubordination, and so forth?—Certainly there were more temptations, and more instances of insubordination and drunkenness. At the end of a day's march a man is apt to drink, and, when drunk, all soldiers are more or less insubordinate, and severe measures are necessary to maintain discipline.

1583. From whence did you go with the 43d?—From Gibraltar.

1584. During the time you were at Gibraltar, had the regiment been a well-behaved regiment?—Very well, indeed.

1585. On being marched into the country in Portugal they committed excesses in the way of drunkenness?—The first few months we had a good deal of punishment,—not more than other regiments, but what would now be considered a great deal of punishment; but during the latter half of our stay we had very little, owing, I think, to the certainty with which punishment followed such offences.

1586. Upon the whole you are satisfied that in that situation you could not have maintained the discipline of the regiment without corporal punishment?—Quite impossible; we had no other in our power.

1587. Supposing corporal punishment had been forbidden, would you have had the means there of enforcing solitary confinement?—I am not aware that we could. We had one man sentenced to be imprisoned a year, who was imprisoned in Fort Bujio, an isolated fort, at the entrance of the river.

1588. For instance, such solitary confinement as you are entitled under the sentence of a court martial to award when men are confined in the cells of Edinburgh Castle, would there have been any possibility of executing such a sentence as that?—Not that I am aware of.

1589. When you were in Ireland were you generally quartered in barracks, or in cantonments?—Generally in barracks.

1590. Had you a good opportunity there of inflicting the punishment of solitary confinement?—About the same as in Edinburgh; two or three cells in each barrack.

1591. Were any of your men at any time sent to the county gaols?—When in Ireland in 1821 and 1822, in the Rifle Brigade, the soldier was never sent to a public gaol. It was not then the custom of the service to do so, and we invariably flogged; but when I was in Ireland the second time, in 1829, in the 60th, which was quartered at Limerick, we had some men confined in the county gaol.

1592. How did you find confinement in county gaols with other prisoners affect the character of the soldier?—Generally the men sentenced to such punishment were hardened characters, who were very little improved when they came out. I have seldom seen much improvement in men's conduct after they have come out of a public gaol.

1593. In point of effect upon the other soldiers as an example, do you conceive that sending a man to solitary confinement is so striking an example as punishment at the halberds?—Most decidedly not.

1594. Do you find that punishment at the halberds appears to degrade the soldier in the eyes of his comrades?—It is generally a soldier who is already so degraded by his own bad character that he meets with no pity whatever from the men who witness the punishment. I do not remember an instance of such punishment being inflicted, in which the men of the regiment did not think it well deserved, and that it ought to have been inflicted.

1595. You have seen men punished for military offences only, who have not been previously men of such exceedingly bad character as you allude to?—Abroad I have seen instances of that sort, but never lately.

1596. It does not appear to you that the men are degraded in the eyes of their fellow-soldiers in consequence of that punishment?—I am not aware that they are in consequence of the punishment. I am not aware of any difference in the conduct of other soldiers towards the man. No man is punished in that manner who is not a notorious bad character, and I do not think his receiving punishment makes the men regard him differently from what they did before.

1597. Have you perceived that his society has been shunned by his brother-soldiers?—No, I could not speak to that.

1598. Did you never hear of their jeering or laughing at him, or holding contemptuous language towards him, in consequence of his having been punished?—No, I am not aware that I ever did.

1599. In consequence of disgraceful crimes, such as thieving and so forth, do you apprehend, in such cases as those, that a man who has been found guilty, and punished at the halberds, is looked down upon by his companions?—A man who has been guilty of the crime of theft in the regiments I have been in has been looked down upon by his companions previous to his punishment; they would not look down upon him more in consequence of his punishment; they would have thought it well merited.

1600. So that the degradation attended on the crime more than on the punishment?—Yes, I think so. There is no pity for the man; they think punishment in such cases well deserved, and ought to be inflicted.

1601. Have you found the infliction of corporal punishment has tended to harden the individual himself, with respect to the commission of offences?—I do not know that I can speak to instances. My impression is that it has stopped the commission of offences where no other punishment has; that the fear of the punishment has kept that man in order whom no other punishment would.

*Lieut.-Col. Hon. Charles Grey*

1602. Have you known soldiers punished by flogging for offences not disgraceful of themselves?—Certainly, formerly.

1603. His comrades would not think the worse of him, or much worse of him, on account of the offence, if it was not a disgraceful offence; he would not suffer so much in the eyes of his comrades as if it was disgraceful?—I said, I did not know that it made much difference in the manner of the men to the man punished, unless the offence was of that nature that he was looked down upon before; in which case the crime and character of the man, not the punishment, would influence the behaviour of his comrades towards him. There was an instance that came before the House of Commons, of a man of the 53rd, who had applied to be removed from the company, because none of the men would speak to him; and, in his case, it was the character of the man, not his having been flogged, that was the cause of it.

1604. Do you not think it does tend to degrade a man of good character, the being punished by corporal punishment, for an offence not disgraceful in itself?—It never is inflicted now on a man of good character; I have no doubt that it would degrade such a man.

1605. For insubordination it is done?—Unless in a case of a very aggravated nature a good man would not now be flogged even for insubordination. There is hardly a man so punished who has not established a bad character.

1606. You are aware of the order of 24th August, 1833, on the subject of corporal punishment, limiting punishments to three classes of offence?—Yes; I think, with respect to this order, that in confining corporal punishment to the crimes of mutiny, insubordination, drunkenness on duty, and sale of necessaries, they have limited the punishment to the only crimes to which it ought to be applied; but it has had this injurious effect, that as the crimes are only cognizable by certain courts martial, which the commanding officer of the regiment has not power to order, a considerable period often elapses between the commission of the crime and the infliction of the punishment, and the effect of immediate example is thus lost. For instance, when I was stationed at Fort George, in the north of Scotland, if I wished to try a man for insubordination or drunkenness on duty, I had to apply to the general commanding in Edinburgh; if he was not on the spot, it might happen (and did in one or two instances), that ten days might elapse before my application was answered, and a district court martial ordered to try the offence. As the sentence of such court can only be approved by the general officer, ten days more might elapse after the conclusion of the trial before the sentence was approved, and thus, should the man tried have been sentenced to be flogged, three weeks would have elapsed between the commission of the offence and the punishment; and it would certainly have lost its great effect as an immediate example. It has always struck me, that as no general officer ever refuses the application for a district court martial, and the court, in most instances, consists almost entirely of officers of the regiment, that commanding officers might have power to order what used to be called a general regimental court martial, which should have the power of trying these offences at once, in order to avoid the delay above mentioned. Should there be a case of insubordination with violence, that is, should a soldier strike a corporal or a serjeant, we have no power (whatever the circumstances may have been under which it has occurred), to try that man at once; nor have even major-generals commanding districts in Ireland power to try him. He must be brought before a general court martial, for which application must be made to the general commanding-in-chief, and the delay thus caused is still greater than in the cases before mentioned. I may quote the cases of two men of mine who were tried in Edinburgh; the one was a case of insubordination. A soldier in a state of drunkenness struck a serjeant, and was tried by a general court martial; he was one hundred and twenty odd days in the guard-house before the sentence of the court martial was approved. The other, a man who was guilty a fourth time of desertion, was eighty odd days in the guard-house. Had they been sentenced to be flogged, whatever the offence was, the effect of the example would have been lost. The power of a commanding officer is too circumscribed. He should have the power of judging if application should be made for a general court martial, or if he should try the case himself.

1607. Have you ever considered the question of giving rewards to the soldiers for good behaviour, such for instance, as some medal or ribbon, or some distinction of that kind?—Such a system did exist in the 71st regiment, and, I believe, with the most beneficial effects: it has been done away with, by order, for some years now, but still there are old soldiers in the regiment who have got medals. One of them is the serjeant-major, whose medal is now before you. The regulations under which these medals were granted, were drawn up by Sir Thomas Reynell. I have always heard that it was attended with the most beneficial effects.

The following are the regulations to which I refer:—

*Medal Society.—Seventy-first Regiment of Foot.*

1st. For the reward of merit, courage, loyalty, and general good conduct, a Medal Society is established in the 71st Light Infantry.

2nd. The qualifications required to entitle a soldier to obtain a medal are hereafter specified.

3rd. The number of medal-men (non-commissioned officers, and others included) shall not exceed fifty.

4th. A board of officers, of which, when possible, a field officer is to be president, will assemble about the 24th of every June and December, for the purpose of examining claims preferred by individuals, through the officers commanding their companies, according to the following form, recommending those soldiers that may be found deserving of the proposed distinction:

*Lieut.-Col. Hon. Charles Grey.*

——— Company 71st Highland Light Infantry.

Private ——— claims a medal, having served —— years in the 71st Regiment, from ——— to ———, and has never been convicted before any Court, civil or military, of any offence during that period.

———{ *Signature of the Soldier.*

I hereby certify, that I have known Private ——— for a period of —— years, and that his general conduct, disposition, and demeanour bear, in all cases, the impression of sobriety, mildness, courage, and ardent zeal for the credit of his corps, and service of his King and country [*and any other circumstances thought necessary to be added*] and he is hereby recommended for a medal.

———{ *Officer's Signature.*

5th. No more than twenty claims can be considered by any one board. If the number of claims exceed twenty, the board must select carefully those that least merit immediate consideration; but all such cases must have priority of investigation at the ensuing board.

6th. To entitle a soldier to this honourable mark of his regiment's approbation, he must have served ten years in the 71st; and, during that long period, his general conduct, disposition, and demeanour, should bear the impression of sobriety, mildness, subordination, courage, a firm attachment to his own corps, and an ardent zeal for the service of his King and country.

7th. No soldier can receive a medal that has been brought before a court martial of any description, except in a case where such trial was instituted with a view of obtaining redress, or information upon some doubtful point, or of which the result had been favourable to the accused. No court martial, however (except one for desertion), is to operate to the prejudice of a soldier, who may have subsequently served ten years in the creditable manner required for a medal-man.

8th. All instances of confinement, or other punishments for trivial offences, and all instances of reduction from the lance rank, or actual rank of non-commissioned officers, must be weighed by the officers commanding companies previously to signing returns for the board, and must in course make part of the board's investigation of the case. Such instances cannot fail to have an injurious tendency in their ultimate decision upon the claim.

9th. No man that has once deserted from the regiment should ever obtain a medal from it.

10th. The officers commanding companies are to submit to the board (when so ordered) the pretensions of individuals to the distinction of a regimental medal; and it should be their duty to examine, most minutely, each case previously to signing the return required from them, and to transmit no claim that would not be borne out in the spirit of these regulations, and which, to the best of their opinion, would not be approved and recommended by the board. Whenever claims are rejected by a board, it must reflect discredit upon the officer who signed and forwarded the return.

11th. In making their report, the board will register the list of approved claimants, according to the nature and strength of their claims. This arrangement should be made with the utmost attention, as individuals will be taken from the top of such lists to supply vacancies, as they may occur, in the established number of medal-men.

12th. The commanding officer only has the power to confirm the recommendation of the board, and to bestow medals in consequence, as opportunities offer.

13th. In cases where a soldier may perform any eminent service, or by personal bravery, or by the exercise of good judgment, or by presence of mind, attract public notice, or, in fact, where any soldier may acquit himself, either at home or abroad, in a manner to distinguish himself and reflect credit upon his regiment, the commanding officer can then bestow a medal by a regimental explanatory order, without going through the form of submitting the case to a board. Such individual to be taken on the list as a supernumerary until a vacancy occurs.

14th. The moment a medal-man is placed in confinement as a defaulter, or as a prisoner for any serious crime, he is, in matter of course, to be deprived of his medal, by a regimental order. Should the case be brought before a court martial, and the man be acquitted, his medal is to be restored at the discretion of the commanding officer. The commanding officer has also the power of restoring medals in such cases as may appear to be particularly deserving of his consideration.

15th. All little favours solicited by medal-men will be granted, as far as propriety and the good of the service will admit. Their medals will be a pass to them after retreat sounding, and for one hour after tattoo, unless ordered to the contrary.

16th. In cases where a soldier is about to be discharged from the regiment, whose conduct has been meritorious and strictly conformable to what is expected to qualify him for a medal, the commanding officer has the power to confer one upon him although his service may not exactly amount to ten years; but no individual, so situated, can receive a medal unless he has served seven years faithfully in the 71st regiment.

17th. Claims that have been rejected are not again to be introduced before any Board without being accompanied by a special recommendation under the signature of the commanding officer.

18th. Soldiers, whose names have been enrolled upon the list of approved candidates, are to receive their medals, should such men be discharged or otherwise leave the 71st regiment, prior to a vacancy occurring in the list of medal-men.

THOMAS REYNELL,
Lieutenant-Colonel, commanding 71st Light Infantry, and Colonel.

*Lieut.-Col. Hon. Charles Grey.*

1608. Are there many men remaining in the regiment who wear these medals?—Very few now; indeed, not many men of ten years' service.

1609. Do you perceive that these men have great pride in wearing these medals?—I do not think there are above two or three who have them. Two men have been discharged lately who had them, and who wore them,—old colour-serjeants. Except the serjeant-major, and two or three of the old serjeants, I am not aware of a man in the regiment who wears them; but I think that, certainly, some system of encouragement, some reward for good conduct, might have a very good effect.

1610. You have conversed with the officers at the time the medals were instituted, or when there were more men wearing medals then in the regiment; did it appear to be their opinion that it had considerable effect on the regiment?—I have not heard much about it; but my impression is that it was attended with beneficial effects.

1611. Do you know instances of other distinctions besides ribbons or medals?—Not for good conduct—for length of service. In the 23rd regiment there was a ring of lace round the sleeve, just above the cuff, for every seven years. A man of twenty-one years' service had three rings.

1612. Did every man wear that who had been the necessary number of years in the regiment, whatever was his conduct?—Yes, every man. I think a single ring for one year, perfectly clear of all complaint, or being brought up before the commanding officer, might be a distinction for good conduct, very easily put on, and not the least objectionable. If every man in the regiment had it, so much the better.

1613. Do you think any inducement to good behaviour would be brought about by making a pension dependent on good conduct, and certain after a certain number of years' service with good conduct?—It is so, I believe, already. After twenty-one years' service, if a man is discharged as unfit for service, if his unfitness has not been produced by intemperance, he receives a pension; if by intemperance, he will not receive it.

1614. And nothing against his character?—We give him no character if his unfitness is produced by intemperance.

1615. Is he entitled to a pension without regard to his character, provided he is not disabled by intemperance?—We generally consider a soldier a good character if he has not been intemperate,—he probably has been a good character.

1616. But suppose he has been tried before courts martial, for offences, or bad offences, such as thieving, he never would get that pension?—I fancy not.

1617. You would tear off that?—In the parchment certificate of his service there is a blank, on which we insert his character if good; and if we can say nothing in his favour we cut it close off. I have put in "indifferent," sometimes, and no objection has been made. It is contrary, in my opinion, to the spirit of the order, but it has been the custom to do it.

1618. When "indifferent" is put in?—They prefer that to nothing.

1619. But where "indifferent" is added to it, would he be still entitled to his pension?—It is for the commissioners at Chelsea to decide.

1620. Have you ever been employed on the recruiting service?—Never.

1621. Supposing that a man, on obtaining his discharge, after a certain number of years, for good service, was entitled to certain civil privileges, such for instance as voting for Members of Parliament, exemption from serving in parish offices,—would that be an inducement to bring into the Army a better class of persons than at present?—I don't think that a man who enlists looks much forward; it is merely the present change of condition that tempts him.

1622. So that any system of rewards, either in the way of immediate distinction, or of future benefit at the time of discharge, you think does not affect the soldier's mind first when he enlists?—I certainly think not: it is a matter of opinion.

1623. There is not much to be expected from that in respect of obtaining a better class of persons in the Army?—I do not know what effect it might have in inducing a better class of persons to enlist; but the class we do enlist I do not think look forward in any way.

1624. It might on parents?—Yes.

1625. If it raised the general class of the service a better class of persons would be induced to enter it?—It is possible.

1626. Are you of opinion, if corporal punishment was totally done away with, that that would have the effect of bringing a better class of persons into the Army?—I think it is possible that men may have heard, now-a-days, so much of flogging that it may deter some from enlisting.

1627. You have had experience of it?—None.

1628. The discussions upon punishment and flogging in the Army have begun since you joined the Army?—Yes; we used to flog almost for everything when I first entered it.

1629. Is there a greater feeling against it now, since so much has been said about it?—I have never seen the slightest symptom of even thinking about it.

[*The witness withdrew.*]

Major-General *Archibald Campbell* was examined as follows:

*Major-Gen. Archib. Campbell.*

1630. General Campbell, how long have you been in the Army?—About forty years.

1631. You began in the 91st regiment, did you not?—I did.

1632. From that regiment to what other regiment did you go?—The next regiment I served in was the 75th.

1633. What time was that?—In 1801 I went, on the staff of Major-General Fraser, to India. I was appointed by Lord Lake to the command of that regiment, the 75th.

*Major-Gen. Archib. Campbell.*

1634. You continued to serve in the 75th, how long?—Two years and a half. I commanded it and brought it to England.

1635. Was that the last regiment you served with?—No, that was in 1806.

1636. What regiment did you go to from that?—To one in the West Indies. My appointment by Lord Lake was not confirmed at home, and the commander-in-chief appointed me to the first vacant majority that took place in the West Indies.

1637. In a West India regiment?—In the Royal West India Rangers.

1638. In what regiment did you get your lieutenant-colonelcy?—I did not join that corps, for I was appointed to the command of the 8th light company, to instruct them in the light movements that were then introducing into the Army.

1639. After this command of the light battalion, what was your next step?—I was severely wounded in command of it at Martinique, and the commander-in-chief, on my return, gave me a lieutenant-colonelcy and command of a regiment at Ceylon, the 4th Ceylon regiment.

1640. Did you go out to that?—Yes.

1641. Was that composed of Cingalese?—No, Caffres.

1642. What was your next step?—After fifteen months I came home, and was appointed to the 6th regiment, then embarking for the Peninsula. I served with the 6th in the Peninsula, throughout all the campaigns, from 1812 to the close.

1643. Were you also at Waterloo?—No; we went to North America.

1644. Under General Pakenham?—No; before he went. The 82nd and the 6th regiments first went to America.

1645. Were you at New Orleans?—No; we were sent to operate against the Americans on the Niagara frontier.

1646. Since your first entrance into the Army, there has been a considerable change in regard to the frequency of corporal punishments?—There has.

1647. Are you of opinion that, during that time, the discipline of the Army has increased, notwithstanding the decrease of those punishments?—Why, I know that crimes and committals are much more frequent than they used to be: courts martial are more frequent, and have been within these last few years.

1648. How long is it since you have been in command of a regiment?—About 8 or 10 years.

1649. Having been on service with the regiments for the time mentioned, have you had an opportunity of judging whether it would be possible to substitute any other punishment for corporal punishment upon actual service in the field?—I think it impracticable on service in the field.

1650. Supposing the punishment of solitary confinement, either with or without hard labour, was substituted for corporal punishment, do you think that that could be inflicted when an Army was in the field?—I think it is quite impossible with an Army in the field and constantly moving.

1651. Are there not occasions when an Army in the field finds it necessary to inflict a punishment as soon as possible, for the maintenance of order, or to prevent the excesses of the troops?—Frequently.

1652. Do you know of any other punishment, or have you ever thought of any other punishment that could be substituted for corporal punishment, with the same effect, for these objects?—Certainly not if you are moving; but if you were fixed, or permanent, you might adopt one. When you are liable every now and then to change your position, you cannot.

1653. In the colonial service, where you are not actually in the field, are you of opinion that such a substitution of imprisonment as has been mentioned, could be made for corporal punishment?—Infinitely more practicable under those circumstances.

1654. But taking the general course of the colonial service altogether, do you think it would be possible to substitute that punishment?—The troops are principally in barracks in the colonies: there they have the means of solitary confinement, which we are deprived of in the field, or in temporary barracks, or billets.

1655. Are there not many colonies in which regiments are divided into small detachments?—There are certainly; in general there are barracks in all of them, where I have been in the West Indies.

1656. In the East Indies are there opportunities of properly inflicting the punishment of solitary confinement?—Yes; the barracks are admirable in the East Indies.

1657. You have served in Great Britain and Ireland?—I have lately commanded a district, and formerly a regiment, in Great Britain; very little in Ireland.

1658. What regiment did you command in Great Britain?—The 6th regiment of foot.

1659. What district have you been commanding as a general officer?—The six inland counties; the inland district, the six centre counties.

1660. The punishment of solitary confinement, with or without hard labour, or imprisonment, is very generally adopted now, as much as possible, in the room of corporal punishments, in England?—The commanding officers are generally very anxious to substitute that punishment.

1661. Have you found, in the present state of the barracks, there are sufficient means for the purpose of the infliction of that punishment?—Solitary confinement in the regular barracks could be had recourse to; but, for the confinement with hard labour, they are obliged to send the men to county gaols.

1662. What effect have you found to result from the imprisonment of soldiers in the county gaols?—Pernicious to their moral character, I should say; and a punishment to be effective should be immediate; there is often now a considerable delay between the period of the crime being committed and the punishment being inflicted.

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1663. In your opinion, is the marching of the prisoner from the parade to solitary confinement, as effective, in the way of example, on his brother soldiers, as punishment at the halberds?—Certainly not.

1664. Taking all the circumstances into consideration, are you of opinion that, in Great Britain, the system of imprisonment and solitary confinement can be properly substituted for corporal punishment, always bearing in mind the necessity of maintaining proper discipline in the army?—I do not think, even in Great Britain, that if you dispensed with corporal punishment, you would be able to maintain the discipline and efficiency of the Army. I would retain the power, but discontinue the practice as much as possible; on a march, particularly, when no other punishment is at hand, our soldiers, recruited, as they are, too often from the refuse of society, are very much addicted to drunkenness, and it requires no common means to coerce a British soldier, when he is disposed to be unruly. The foreign Armies are drawn from a very different class of society, and are much more easily governed.

1665. When you speak of punishments on the line of march, do you allude to punishments that are inflicted in consequence of a sentence of a drum-head court martial?—No; I mean disorders and irregularities the men commit, being in billets. It frequently occurs on the line of march that the officer in command must carry some men with him as prisoners a distance from the south of England to the north of Scotland, or punish them on the spot by a drum-head court martial. Probably he may try them by a court martial, and leave them in one of the gaols, that is the only alternative. Having come out of the barracks, where they are kept a good deal in hand, and get once upon billets, they are disposed to be irregular and unruly.

1666. Supposing an officer had been able to keep his regiment in a proper state of discipline by punishments such as have been alluded to, and not by corporal punishments, why could he not have recourse to the same punishment in case of offences committed when on the march?—The regiment moving, he has no means of placing them in solitary confinement. He might certainly consign a soldier to any gaol in any town he was passing through, after a court martial had sentenced him to receive a certain confinement with hard labour.

1667. He could take the man on with the regiment, under a guard, and lodge him in the next county gaol to which he came?—If a court martial had sentenced him to that punishment.

1668. But you do not think that punishment would have as much effect in repressing the disorders of which you have spoken, on the line of march, as the infliction of corporal punishment would do?—No: I certainly think not. But, in England, with the present feeling, one avoids corporal punishment as much as possible, though it certainly would not have the same effect.

1669. If it should be deemed necessary to do away entirely with corporal punishment, and substitute the punishment of imprisonment in its room, with or without hard labour, would it, in your opinion, be necessary to have separate prisons for the military?—Where there are barracks I think it is perfectly practicable now, but in most of the manufacturing districts, where the troops are dispersed in barracks that are only temporary, there are not means for solitary confinement or hard labour.

1670. The question refers not merely to solitary confinement, but imprisonment with or without hard labour?—I am not quite aware how we could introduce hard labour, except by the tread-mill.

1671. And to have that tread-mill and hard labour, it would be necessary to have military prisons separate from county gaols?—Certainly; the class of people the soldier is mixed up with, confined in a county gaol, certainly is detrimental to his habits and morals.

1672. In the colonies, supposing the same system of imprisonment, with or without hard labour, was to be established in lieu of corporal punishment, it would be equally necessary there to have military prisons?—Certainly, it could be easier arranged there, for there are generally barracks. Our temporary barracks are not calculated for it, unless they were constructed for that purpose, and if temporary barracks are only taken for a period the expense would be thought unnecessary.

1673. When you were upon service, had you an opportunity of knowing how the French deal with the same offences as are punished in our Army by the lash?—Their punishments are more severe: some of the crimes our soldiers are guilty of, such as knocking down non-commissioned officers, is a capital offence with them.

1674. In these cases they would proceed to the punishment of death?—Yes, I should think so. When a soldier is tired and fatigued, after a very long march, and is to be turned out again in the middle of the night, a non-commissioned officer has some trouble to rouse him up; he is weary, wet, and uncomfortable—it is difficult to stir him, he gets out of humour; the non-commissioned officer, who has either pressed or urged him, is very often ill-used by him. It is difficult to maintain authority without example, and the only example you could make use of in such a case is prompt and immediate corporal punishment.

1675. The prompt and immediate punishment you conceive to be shooting the man?—Yes, it would be so in the French Army.

1676. With us it would be corporal punishment?—Yes; and there is another occasion where, in the Peninsula, we found it necessary to have recourse to corporal punishment. The efficiency of a soldier on service depends entirely on his keeping his equipment, his blanket, his great coat, and shoes. But a British soldier is unfortunately so attached to spirituous liquor, that he can scarcely resist the temptation of a bottle of spirits held out by a Spaniard or a Portuguese, and parts with essential articles on which his efficiency for the rest of the campaign depends. It was necessary to punish him to prevent his parting with them. These things could only be got from England, and if a soldier parts with them there is no replacing them. I have been frequently obliged to make examples of men on that account. There are

*Major-Gen. Archib. Campbell.*

a few incorrigible men in a regiment that are constantly punished. If they could be discharged more easily, being first tried and sentenced to have a mark burned, or put on them in some way, so as not again to enter the service, you would get rid of some men in a regiment that force the commanding officer to have recourse to coercive measures when he would very willingly avoid it.

1677. In case of pillage, or maltreatment of the inhabitants, how do the French repress these offences?—I am not very well aware. They are permitted greater licence on that subject than we are. The discipline of our Army is well maintained; we are obliged to make serious examples when they pillage or plunder.

1678. You are not aware how the French deal with them?—No; living as they do, obliged to shift for themselves a good deal, they are more privileged.

1679. There is more licence in their Army than in the English?—Yes.

1680. Have you ever followed the French Army in quarters?—Frequently.

1681. What have you found to be the feeling of the people towards that Army?—It was unfavourable in a country hostile to the French.

1682. At the close of the campaigns, when you were on the French side of the Pyrenees, how did you find the feelings of the people of France towards their own Army, when you followed it in quarters?—On the frontier of Spain and France, friendly to the French as individuals, but of course as enemies hostile to them. But their conduct was orderly, kind, and good, in general.

1683. You never heard the inhabitants of that part of the country rejoice when their own people got away, and ours came into the quarter?—Whether they were sincere or not, they always did rejoice, or pretended to rejoice.

1684. Did they complain of the manner in which they had been treated by their own people?—Not when we entered France; but on the other side of the frontier it was evident, from the appearance of the houses, that they had committed serious devastation.

1685. Have you ever considered the question of how far it might be advisable to give rewards to soldiers for good behaviour, such as an order of merit, or a riband, or distinction in clothing, or something of that sort?—I think the general opinion is that it would be very desirable. It might induce a better class of people to enter the service, and by that means improve the moral standard of the Army.

1686. Have you ever seen a regiment in which such a thing has been established by the commanding officer?—I have heard of it: I think, when Sir Thomas Reynell commanded the 71st regiment, it was the case in that corps.

1687. You think an establishment of that sort would gratify the feelings of the well-behaved soldier who attained it?—Of course it would be a stimulus to good conduct.

1688. Do you happen to recollect when the Waterloo medal was being issued what opinions were expressed by the officers who did not belong to the regiments that served at Waterloo, or by the soldiers of the Peninsula regiments, who did not get a medal?—They felt it exceedingly; not only the officers, but the men. Every soldier got credit for two years' extra service for Waterloo.

1689. It might have happened that that feeling of jealousy arose from the circumstance that other regiments employed elsewhere in performing most gallant services were not rewarded in the same manner?—They thought it was almost unfair that others should receive a badge of distinction for one good hard-fought field, when men and officers who had been engaged in a dozen, though not so eventful battles, did not receive any.

1690. But does not that very fact seem to show that distinctions, such as have been alluded to, would have considerable effect on the minds of soldiers?—Anything that would induce a better description of men to enter into the Army.

1691. Have you ever turned your mind to the question of how far it might be proper to give soldiers, who have served a certain time with good character, a certainty of their discharge, whether unfit for service or not, with a pension, as an inducement to a better class of persons to enter the Army?—I think it would have that effect; I have no doubt of it. It requires some strong inducement for a man to enter our service, when he is satisfied that he cannot be more than four or five years out of every twenty in his native land. He bids adieu to home, friends, country, and everything dear to him, which is not the case in any other service in Europe.

1692. So that it requires stronger inducements to enter our Army than a foreign Army?—Yes, as we cannot, by our constitution, ballot for the regular Army, or draw men by conscription from a better class of society, any stimulus of that kind would be advantageous, to improve the moral standard of the Army.

1693. Have you ever observed when a man has been punished that his brother soldiers avoid his society, or seem to look down upon him?—Not at all, unless he has been an incorrigible person; it is more on account of his character than his punishment he is so treated, if he is a hardened offender.

1694. And according to the nature of the offence rather than the punishment?—Yes; for thieving or anything of that kind, an honourable soldier would not associate with him.

1695. Have you perceived that the effect on the individual has been to harden him rather than to correct him?—I have never perceived that it hardened him.

1696. Have you known men who have been punished at the halberds become afterwards good and well-behaved soldiers?—Many; and some have risen to commissions in the service. It is a restraint on the young, and it is the dread of the hardened and incorrigible. I have been more than a year in the command of a regiment without having recourse to it.

1697. So that your opinion is, decidedly, that although it is advisable to have recourse to that punishment as seldom as possible, that it would be very detrimental to the service if the

power was entirely taken away?—That is my opinion; and I think it cannot possibly be dispensed with on service in the field.

1698. You think it could not be safely dispensed with in this country?—Why, not unless you established what has been described, a means of punishment connected with the barracks, or temporary barracks, in which the soldiers are. I think, when they are in billet, it would be very unwise.

1699. And with hard labour?—Unless with hard labour, and establishing places of solitary confinement, or any means of confinement with hard labour.

1700. You mean, supposing such places to be built or established, you mean to say, in that case, that you think there might be a general order issued, forbidding corporal punishment in Great Britain, under any circumstances?—Except on march, or in billets. I think that, when corps are permanently fixed, or even detachments of corps in any situation, with the means now mentioned, corporal punishment might be dispensed with; but the moment you move away from those means, and are again on the move, it would be very difficult. The knowing that the power exists, makes it very seldom necessary to use it.

1701. At the same time, knowing that it exists leaves the same degree of stigma on the Army, as far as any stigma is connected with it, as if it was more frequently used?—I am sure, within my own recollection, it has diminished so much, that it has almost passed away.

1702. Do you not observe an inconvenience arise from reviving it, when it is so unfrequent, that its infliction brings with it more the notion of disgrace, and excites more sympathy, both among the soldiers and the public?—Dispensing with it to the extent it has already been dispensed with, has, I fear, encouraged very much the committal of crime, and numerous courts martial. I think, if it was dispensed with entirely, it would increase them still more.

1703. Do you believe that the increase of crime has arisen solely from the dispensing with corporal punishment, or not from the greater interval that elapses between the crime and the punishment?—Why, the officers commanding regiments or detachments, indeed, all officers are more anxious to punish soldiers, who are guilty of offences, by any other means than corporal punishment, if it is possible to be done without detriment to the efficiency of the corps or detachment. The feeling is to avoid it, and it is avoided as much as possible; but still I recommend retaining the power in extreme cases to have recourse to it.

1704. Are you aware that, during the period corporal punishment has been, in a great degree, discontinued, during the same period, crime has been very much increased in civil life, as well as the Army?—No doubt of it.

1705. When you speak of crime having increased in the Army, do you mean military crime, or of the nature of civil crime; such as thieving, and so forth?—There are more irregularities now. Our troops in England are principally dispersed through temporary barracks, where you have them not under restraint, as in regular barracks. You cannot keep them in at night; they are continually breaking out of such barracks, and getting into the town, and into mischief, by getting drunk.

1706. The increase of offences has partly arisen, has it not, from the increase of intemperance or drunkenness?—It is not easy to account for it.

1707. Has the crime of drunkenness increased in the Army of late years?—I do not know that it has. The British soldier is proverbially addicted to liquor whenever he can get it.

1708. Could you suggest any improved regulations with regard to drunkenness, or any regulations which would make drunkenness less frequent?—Yes, I have heard it suggested that laying the soldier under a fine, sentencing him to pay a certain fine, would have the effect of diminishing it.

1709. Have you ever seen the effect of stoppage of pay in the way of punishment?—Yes; the pay is constantly stopped when a man is found guilty of constant or habitual drunkenness, and they are exceedingly anxious to avoid being tried for that offence.

1710. Do you not conceive that a discretionary power in the hands of the commanding officer, of inflicting a fine, or stopping a certain amount of his pay for every instance of drunkenness, would tend very much to check that abuse?—Certainly; it would probably be the only way you have of checking it.

1711. You think it might be effectual?—I think it might to a certain extent. There are a certain few in a regiment that are the plague and pest of a commanding officer—a few incorrigible rascals. It would be a great object if they could be discharged, and so marked as never to be able to enter the military or naval service again; for they are fellows that will not work, and would not be able to earn a subsistence. They would try to enter into another regiment.

1712. Have you ever considered the question of the formation of correctional corps?—I have heard it discussed.

1713. What is your opinion?—The corps I served in, in the West Indies, was partly of that description, the Royal West India Rangers. I had two of the Rifle Companies in the light battalion I commanded. They were taken from the hulks. At that time, they were recruited from it principally; but it is difficult to get officers of a good class or description to serve in these corps.

1714. How were these corps employed at that time?—There were, I think, three regiments of them in the service during the war, the African Corps, the Royal York Rangers, and the West India Rangers.

1715. How were they employed, did they do duty regularly as soldiers, or were they employed upon fatigues and things of that sort?—No, they were regularly formed and organized like any other regiment in the service.

1716. They did no inferior duty?—No; they were very difficult to control: it was only such a man as Colonel Turner that could control them.

*Major-Gen. Archib. Campbell.*

1717. It would be necessary, generally speaking, with such corps as these, employed in the colonies, to have good corps to watch them?—I found them very brave before the enemy, but difficult to control.

1718. Might you not make the commissions in those corps purchasable at a lower price, as an inducement to officers?—There was no corps that I ever saw, in which corporal punishment was so often obliged to be resorted to, as in that corps, for there were many whom the civil power could not control, and it required a very coercive military power to keep them in subordination. In the Royal African Corps, and the York Rangers, the greater proportion of the subalterns were non-commissioned officers who had conducted themselves well, and were promoted from regiments of the line.

1719. Do you not think, balancing the inconveniences and the conveniences, that the advantage of clearing the Army of all its indifferent characters, would counterbalance the inconveniences that arise from the existence of such corps?—Yes, it would be a great blessing to get rid of them. At one period, when we used to get men from the militia, we had a much superior class of men; there was no trouble with them at all. I had a great many of them under my command, and there was no trouble with them. They were fine gallant soldiers, and well-conducted men, very different from the men you recruit from the refuse and dregs of society.

1720. You think that a regiment is as easily managed now as it used to be?—Yes, certainly. Our men are of a better description in every respect now than during the war, with the exception of the militia-men, who were very fine.

1721. Are they of a superior class,—the present men who enter the service to those during the war?—Certainly.

1722. You have a greater choice?—Yes; you do not recruit so hurriedly, and you do not take every man that presents himself.

1723. Do you find men better fitted to be soldiers than formerly by education?—Of course; education, within the last few years, has extended itself and diffused itself widely, among the class from whom we recruit in the manufacturing districts.

1724. Do you think that has improved their fitness for discipline?—No, I do not think it has; but I do not think it has been detrimental to it. I think the more the mind is cultivated, the fitter the man becomes for every station in life.

1725. Does the sort of education that is ordinarily given in these days to persons of the description that become soldiers in the Army form any obstacle to maintaining the discipline of the Army or otherwise?—I should imagine it is beneficial to it. Mental cultivation renders a man more fit to hold any station.

1726. He is more amenable to persuasion and higher motives?—Yes; the mind is improved, the ideas enlarged, and the man reasons more.

1727. You have mentioned the length of period a soldier enlisting will probably be out of his country, or absent from his friends and family, and connexions, do you think if the soldier were enlisted for a more limited period, and sent back to his friends at the expiration of that period, that would tend to promote recruiting?—Yes, I think it natural to a man who reflects that the idea of going from home, country, friends and relations, is an objection to enlisting.

1728. Did you not find that men enlisted for a limited service, were the men of best character in your regiment?—I did, and I was always anxious to induce them to re-enlist. They come from a better class of society.

1729. Were the men who volunteered from the Militia, in the year 1799, of a superior description to the generality of recruits at that time?—Yes, the 6th Regiment, which I commanded for ten years, was two-thirds composed of militia-men, and they were remarkably well-conducted men in general, and gave me little trouble. In regard to character, they were a very superior class of men.

1730. But were they superior as to their condition in life, before they became militia-men?—They had not been demoralized in any great degree.

1731. Were they of the labouring class?—Of the manufacturing class. They were Lancashire men from Bolton, and that neighbourhood.

1732. Mechanics, in short?—Yes; they had been originally balloted to serve in the Militia, and had acquired the habits of soldiers, and were an invaluable addition to the regular Army.

[*The witness withdrew.*]

Lieutenant-Colonel *Duncan Macgregor* was examined as follows:

*Lieut.-Col. Duncan Macgregor.*

1733. You are in command of the 93d regiment?—Yes.

1734. Whereabouts is it quartered now?—In Northamptonshire.

1735. How long have you been in the command of that regiment?—Upwards of nine years.

1736. Have you always served in it, or any other?—No; I have served in several others.

1737. How many years have you been in the service?—Upwards of thirty years.

1738. Is this the first regiment you have commanded?—This is the first regiment I have permanently commanded.

1739. Is the whole regiment in Northamptonshire, or is it only part of it?—They are all there.

1740. How many strong?—About seven hundred.

1741. How long has the regiment been in England?—A year.

1742. Where did it come from to England?—The West Indies.

1743. You were on service in the Peninsula?—Yes; I was there on the staff.

1744. Did you serve throughout all the campaigns?—No, only towards the close of them.

1745. Since your entrance into the Army corporal punishments have very considerably decreased?—Yes, very much.

1746. In your opinion, what has been the effect of that decrease on the discipline of regiments?—I cannot positively say it has produced much effect, either one way or the other.

1747. Of course some punishment has been substituted for corporal punishment?—Yes.

1748. What is that punishment?—Solitary confinement, and imprisonment with hard labour.

1749. Have you had occasion, within the last two or three years, for many corporal punishments in your regiment?—In the West Indies there were a number, but since we came home we have had none; and I ought to mention that those corporal punishments were awarded by general or district courts martial, no award of corporal punishment having been made, I think, within the last three years by a regimental court.

1750. What were the offences for which those men were tried by general or district courts martial?—Violence to non-commissioned officers, drunkenness on guard, and sleeping on their posts, proceeding generally from drunkenness.

1751. And have you rather endeavoured to do without corporal punishment in your regiment?—Yes, very decidedly. I think that, as far as the great mass of men composing a Highland corps are concerned, corporal punishment is a great evil.

1752. Why do you so suppose as far as they are concerned?—I think that the management of Highlanders does require distinction from that of the mass of English and Irish soldiers. In general they come to us with more respectable habits than the recruits for the Army generally. My experience as a regimental officer, I ought to mention, has been almost exclusively confined to Highland regiments. During the whole course of my service I have been only for a year doing duty in any except Highland corps.

1753. The 93rd,—are they what were called the Gordon Highlanders?—No, the Sutherland Highlanders.

1754. Are they still very much recruited from that country?—Very much at present.

1755. So that the men are acquainted with each other, and each other's families, before they come to the regiment?—Yes; while we were in the West Indies, and losing a great number of men, I was compelled to recruit in the large manufacturing towns of Scotland, which I have had reason to regret. But, on seeing a near prospect of getting home, I abandoned those places, and again chiefly confined our recruiting to the pastoral district of the North; from which arrangements we are now beginning to reap great benefit, as we are getting brothers and other relatives in great numbers into the regiment.

1756. So that your regiment is like one great family?—It will be by-and-by, crimes being chiefly committed by those men whom I got from the large towns, such as Glasgow and Edinburgh.

1757. When you say those punishments were frequent during the last few years you were in the West Indies, was it generally among that last class of men you so recruited that the punishments took place?—Chiefly, but by no means exclusively among them; for I am sorry to say that, during the latter years of our stay in the West Indies, many of our most respectable men made a great descent in regard to character, and became very much addicted to drinking. The great body of the thoroughly respectable men I have already referred to, consisting of some hundreds, I found with the depôt, on our return to England.

1758. To what do you attribute that alteration in the character of the men?—To several causes. I attribute it partly to the climate: I myself felt that it required the exercise of some determination to resist the desire to drink in that country more than was proper: stomach and nervous complaints, the heat of the climate, the sad monotony of the soldier's life, from the absence of all amusement or occupation of any kind, and the extreme cheapness of rum, all combine as inducements to excess in drinking, which are but rarely resisted, and gradually sink the most steady men into the worst habits. I am confident that this state of things is also very much owing to the long duration of the stay of regiments in the West Indies, which I consider most pernicious to the discipline and welfare of the Army. I observed a number of our respectable young men who continued to resist the vice of drunkenness for two, three, or even four years in that country, gradually sink afterwards into very abandoned habits of drinking. When a soldier goes to the West Indies, he never returns till the expiration of the term of the service of his regiment, unless he has one foot in the grave; whereas the officers may come home on leave of absence occasionally.

1759. Upon that particular service, when you were obliged to have recourse to trials by courts martial, and sentence those men to corporal punishment, would there have been any means of inflicting on those men such punishments as solitary confinement, or imprisonment with hard labour, in that country?—The means there for solitary confinement and imprisonment with hard labour were limited and imperfect.

1760. Is there any objection, with regard to the climate, to the establishment of proper places for putting such sentences into execution?—I do not think so. The punishment which I frequently resorted so, and found, I fancied, more efficacious even than hard labour, was marching drill; that is, a soldier being obliged to march with his knapsack on a certain number of hours daily. I felt, at first, very uneasy as to the effect that might be produced on the health of the defaulters by this necessary exposure to the sun; but, after long experience, I am quite ready to declare they were the most healthy men in the whole corps, which I attributed chiefly to their being kept from drink by the restraint to which they were subjected when not at drill, and to the more regular life they were thereby compelled to lead.

1761. Anything of muscular exercise keeps them in health?—I think so: I quite changed

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my opinion, after having been some years in the West Indies, on the subject, as to exposure in the sun: I think, if a man is walking about, he does not suffer much from it.

1762. Then you think that, if proper places were built for the purpose, it might be possible to have recourse to solitary confinement, and imprisonment with hard labour, in that country?—I think so.

1763. In lieu of corporal punishment?—I take it for granted there would still be some cases reserved for corporal punishment.

1764. You are not of opinion, that it would be proper to substitute those punishments for corporal punishment entirely, with reference to the discipline of the Army?—As to the Army at large, I feel some dislike to stating a very decided opinion on the subject. I have, however, so great a horror of corporal punishment, that, were it possible, I should like to see it abolished, except in the field, where it is unquestionably necessary for all troops; and perhaps, in certain other cases, where a man, for instance, would peremptorily and perseveringly refuse to undergo the punishment of hard labour.

1765. So that your opinion is that it might be possible to do away with corporal punishment in most cases, but that the power should be reserved?—Yes; but if I could firmly believe what I am disposed to hope, that the absolute abolition of corporal punishment would have the effect, along with other expedients, of drawing to the Army a more respectable description of recruits than we have generally at present, I would give it up in all cases, except in the field.

1766. How would you do in cases of insubordination upon a march?—There could be nothing done, except carrying the man as a prisoner to a place of solitary confinement. Solitary confinement has a very subduing effect, even on the most hardened blackguard.

1767. When properly inflicted?—When properly inflicted, and which is certainly not the case at present in the Army.

1768. Has there been any occasion in which men of your regiment have been sent to a county gaol, in consequence of the sentence of a court martial?—There has been none since we came home: there were cases with the depôt, but I am not acquainted with them.

1769. You cannot speak as to the effect of that mode of executing punishment upon the men of the regiment?—No further than from hearsay. I have heard that in the county gaols it is much more effectively executed than in the cells in military barracks.

1770. That is with hard labour?—I allude to both—to solitary confinement, and to imprisonment with hard labour. There is a great want of uniformity in the punishment of imprisonment with hard labour in the Army: in no two places is it the same.

1771. So that, to make it effectual in the Army, it would be necessary to have prisons for the purpose, and establishments, with the view of making those punishments effectual?—I think that military prisons, on a large scale, would secure a greater uniformity of punishment, and better discipline over the prisoners, than we have at present; for it is very difficult to keep a culprit's comrades from assisting and conniving with him, if he is confined with the regiment. And, possibly, the idea of a man's being formally carried away from his regiment to a distant, and, it may be, unknown prison, would have some good effect on the imagination of the mass of soldiers.

1772. If there were such conveniences as we have been speaking of in all garrisons or stations where our troops are quartered, both at home and abroad, you think, with the exception of the Army in the field, corporal punishment might properly be abolished?—I think—I hope—it might; but I do not feel a very strong opinion on the subject. I should, however, be rather inclined to try it than otherwise.

1773. Your opinion is strong enough to induce you to make the experiment, if you had means?—With respect to the description of regiment at present under my command I should feel no regret, but the reverse, were corporal punishment abolished, except in the field. But I feel it difficult to express the same decided opinion with regard to the Army at large; for I am, as I have already stated, but slightly acquainted with the habits and economy of the English and Irish regiments.

1774. Sometimes it is necessary to punish in a manner that can be done upon the moment, is it not, in cases of insubordination or mutiny, or so forth?—I have really never met with such a case. Soldiers of all regiments, when sober, I think are obedient. It is generally when they are under the influence of drink that they resist authority; under which circumstances, I apprehend, it would be improper to do more than restrain them till they should get sober.

1775. Supposing a regiment or detachment to be on the march, and that some of the men are disposed to be mutinous, and that there is a fear of such a spirit spreading among the others, which would make it necessary to check it at the moment, how would you propose to deal with such a case as that, in consequence of corporal punishment not being allowed?—In so extreme a case as that, were it to occur, we should certainly feel very much the absence of the power of punishing the men in a summary manner. But I do not remember any case of that kind.

1776. You do not apprehend the case would be frequent?—It might occur in the field, where severe corporal punishment must be resorted to.

1777. Have you never heard of such an instance upon the line of march in this country?—No; I do not remember any.

1778. You have never served in India?—No.

1779. Which do you think most efficacious, solitary confinement, or punishment of imprisonment with hard labour?—On the whole, I should think solitary confinement; but I am of opinion that the one kind of punishment would be more suitable to some characters, and the other to another description of men, were it always possible for courts martial to distinguish them.

1780. Have you ever considered the subject of giving rewards, either by means of some distinction in dress, or medals, or so forth, to men for good behaviour, or of a certain standing in the Army?—Yes, I have.

1781. Are you of opinion that that would have any effect?—Very great effect, I think, it would have. I have very lately submitted my standing orders to my colonel, Major-General Sir Jasper Nicolls, where I have ventured, in a limited way, to introduce something of that kind. But I think that one of the evils which have hitherto attended those regimental rewards has been the making them of too easy attainment; whereas they ought not to be given, except to men who have positively proved, for a course of years, that they are decidedly steady: so that the probability of their losing them would be very small.

1782. You say that you have thought of establishing an order of that sort; in what way did you propose to do it?—I meant that every soldier who had been five successive years without being convicted by a court martial of any crime, and who had not been oftener than once in the defaulters' book, should be regarded as a select man, and be distinguished by wearing a piece of the regimental lace round his left arm. That, in the event of his continuing five years longer under the same circumstances, he should have two of those stripes, and to these distinctions I have attached certain little indulgences, some of which, in fact, are given at present to the steady soldiers; but the men I refer to are made specially entitled to them.

1783. Special indulgences of what description?—For example, I find that Scotch soldiers generally, at least good men, consider it as an annoyance to be constantly showing their necessaries. They feel the exemption from such inspections to be a greater indulgence than one would imagine. I allow the select men, therefore, at the discretion of the officers commanding companies, not to have their necessaries inspected, except by a general or field officer. I exempt them from attending all parades for punishment. I allow them to be absent from the Sunday evening roll-call. They are placed also as orderlies to the field officers of the regiment, and to the hospital; and in charge of stores or signal-posts; and in other situations of profit and of honour. I also allow them to receive their pay, not daily, which is considered a degradation by many a good soldier, but to be paid weekly, and to deposit their savings, if they think fit, in their captain's hands; and, on a march, I allow them to furnish their own victuals.

1784. You consider all those things as importing greater confidence in those individuals from their superior officers?—Yes; and they are informed, in the orders, that from the senior class of those men will be taken the individuals mentioned in one of the clauses in the pension regulations, who receive on their discharge a gratuity, and a medal from the King, and whose names are posted up on the church-doors of their parish, which a good man will feel as a very great mark of distinction.

1785. Are their names posted up on the church-doors of their parish under any of the regulations of the Army?—Yes, by order of the Secretary at War, under a clause in the Mutiny Act.

1786. You say one of those indulgences is receiving their pay once a-week, instead of every day?—Yes.

1787. They prefer that, do they?—Oh, very much indeed.

1788. On what ground?—On this ground: as the steady soldiers are in general frugal and saving, they cannot, by the daily-pay system, keep their savings together, either to remit money to their friends in Scotland, or to avail themselves at the moment of any bargain that may present itself; and, therefore, though their captains would be ready to advance any money they might want for such purposes, they cannot have that advance without appearing, for a time, in debt in the company's ledger, which they have a pride in avoiding. As a proof of the frugal habits of some of our men, there have been non-commissioned officers, serjeants, and corporals, who have, in the course of their service, saved some hundred pounds; even some of the privates have realized forty or fifty pounds, and have gone home with these savings, on their final discharge. I conceive that an exhibition of that kind in one of the Highland parishes, or indeed in any parish, would have a very great effect in inducing not only respectable young lads to enlist, but in removing the extreme reluctance of respectable parents to their sons entering the service. And I confess, although I know it is objected to by many officers of much greater judgment and experience than I have, that I would always encourage frugality among soldiers, as I find it in that class of men almost invariably allied to general steadiness and morality.

1789. That feeling with respect to the payment at longer periods than the daily periods—do you think that is common to the other regiments of the Army, or very much confined to the Highlanders?—I think it must be common to the steady men in every corps; and I believe that, if the daily-pay system was modified a little, it would be productive of good effect. I should like to see the system enforced with respect to bad men, but I would not apply it to men whose names had not been in the defaulters' book for a certain fixed and pretty long period. Such men should be entitled to receive their pay at least weekly, which would, I think, be both an encouragement to the unsteady man, and be regarded as a distinction by the well-behaved soldier.

1790. In a good deal of what you have said on that subject, have you not reference to the particular character of the Highlander and the Scotchman?—Yes, I have them more particularly in view; but I see no reason why the same system should not be applied to all our soldiers. If careful habits produce good results in Scotchmen, I do not see why the other soldiers should not also have every encouragement given to their being more provident.

1791. Are there any of the officers of your regiment that come from that country, as well as the men?—Comparatively few.

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1792. But there are some who are connected with the Sutherland men especially?—There are a few from the northern counties.

1793. So that some of the officers actually know the families of the men?—Yes, some of them do very well.

1794. That knowledge contributes to the keeping the men in good order?—No doubt of it: our adjutant and serjeant-major, for instance, and some of the staff, came as recruits from that country, and have been promoted since to their present situations.

1795. So that they are able to say to a man who behaves ill they will write home to his friends?—Yes; but I think the most friendly spies on their conduct are their own relations in the same regiment.

1796. On the whole, your regiment is under very peculiar circumstances?—Not very much so at present. We have a considerable number of men very much like others, I think; but we are now getting, as I formerly stated, a large proportion of men of a superior description; and I hope, before our home service is complete, that we shall not be unlike, in respect of character, to what the regiment was in former times.

1797. There have been cases in which some of those Highlanders who have relations in the regiment have been corporally punished?—I fear there have.

1798. When they have been so, what has been the effect of their punishment with regard to their friends and relations in the regiment; have they looked down on them as disgraced men?—I am afraid they have; and they appeared to look down so much on themselves, that I don't think we have got much good from them afterwards.

1799. Their society has been shunned by them?—I have not absolutely had an opportunity of knowing that, but I am persuaded that the accounts received in the Highlands of any particular individual being flogged has a great tendency to injure our recruiting there.

1800. That even for a military fault, independently of every thing else?—It is the punishment, I conceive, that is chiefly considered.

1801. Have you ever thought of any other remedies, or inducements, that might be thrown out for the purpose of endeavouring to get a better description of men in the Army generally; such, for instance, as civil privileges, in the way of voting for members of parliament, or any thing of that sort, in case of good behaviour for a number of years?—I do not believe that soldiers in general care much for political privileges; I think, if certain little situations under Government could be promised to deserving soldiers on their discharge, it would form a much stronger inducement to good conduct while serving than any political advantages. But I am quite of opinion that an improvement might be made in the present mode of giving pensions, and additional pay while serving, with a view to encourage the well-disposed men, and to attract more respectable men into the service. At present the additional pay of twopence a day is given to every man after fourteen years' service, whatever may be his character. I would restore the penny a day after seven years, and give twopence a day after fourteen years' service; but I would make both the additional pay and the pension depend, not on service, or, at least, not on service entirely, but on service combined with character; and not that sort of general character which at present is given of soldiers, but on the number and nature of the specific cases recorded in the court martial and defaulters' books, extracts from which should accompany the men to Chelsea. The amount of pension, as far as character is concerned, should not depend entirely on the general opinion of the regimental board, but on facts which could be easily understood by all the soldiers.

1802. You say you have established a sort of order of merit in your regiment;—when that order of merit is conferred, or when the distinction in dress is conferred, is that done publicly, at the head of the regiment?—I am now ordering the returns to be prepared of the men entitled to it; and I have stated in the order that it shall be conferred by the commanding officer, once a year, in front of the assembled regiment.

1803. So that, in case you should find it necessary to deprive a soldier of that distinction, you would actually do that at the head of the regiment?—Yes, under public orders. But, in further reference to incentives to good conduct, I am anxious to observe that I am persuaded one of the causes of the immense number of desertions is the enlistment for life. Limited service would, I think, have some effect in mitigating this evil, and drawing forth a better description of recruits. I would also reduce the sums at present paid by soldiers for their discharge after certain portions of service, which would encourage those to quit the service who either disliked it, or were useless to it, and thus the pension-list would be reduced; and, in like manner, I think, a specific period, whether twenty-one years, or any other given period, should be fixed as the term of a soldier's entire service, instead of leaving it, as at present, quite indefinite. One of the consequences of the present arrangement is, that a man whose constitution may be broken down by intemperance and other vices is rewarded, after a comparatively limited service, with a pension; while the good man, whose health, preserved by steadiness and temperance, enables him to serve several years longer, is placed in a worse situation than his profligate comrade.

1804. Then you would have the pension conferred at a certain period, or certain periods, unless there is any objection made which forfeits the claim?—Yes.

1805. And have it always connected with character and conduct?—Yes; the fact is, I used to endeavour to impress on the men the value of character as connected with their future pensions; but, notwithstanding the existence of a regulation to that effect, I do not find that, in practice, much or any distinction is made. The amount of each discharged man's pension soon becomes known to the soldiers of the same regiment, and must produce corresponding effects; for I may observe that a soldier may be altogether worthless, and yet never be guilty of the crimes technically termed disgraceful, which would deprive him of his pension

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But, independently of pensions, I think it of the last importance, that we should have greater facilities of getting rid of decided blackguards.

1806. Have you ever considered how far it would be desirable to establish correctional corps, or convict corps, for that purpose?—That may be one way of disposing of them. From what we suffered in the West Indies, I am quite sure that the great increase of crime there was caused by the union, to all the corps in those islands, of a number of military convicts, men of most abandoned habits, whose punishment in their own regiments, in different parts of the world, had been commuted for service in the West Indies. A certain number of those culprits were attached to the 93rd, and remained incorporated with it during the time we were in that country. Although the intention was, without doubt, that we should be the means of reforming them, yet the consequence was, that their presence and example were most destructive to us. If such men are to remain in the service, it would surely be better to form them into separate corps.

[*The witness withdrew.*]

*Lieut.-Colonel Henry Booth* was examined as follows:

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1807. Colonel Booth, do you command the 43rd regiment?—Yes, I do.

1808. Where is it stationed now?—At Cork.

1809. Have you been long with that regiment?—Nearly five years as lieutenant-colonel.

1810. Is it the first regiment you have commanded?—The first: I have been in no other.

1811. How long have you been in the regiment?—Rather more than twenty-nine years.

1812. During that time, have you been quartered in the colonies, or have you been on actual service?—I was with the regiment in the Peninsula, and I have been with the regiment some few years at Gibraltar.

1813. Have you been in the West Indies?—No.

1814. You have been in no other part of the Mediterranean than Gibraltar?—No.

1815. Have you been quartered in England, as well as in Ireland?—Yes, for some short time of late years: for twelve months we were in Lancashire. We had our head-quarters at Haydock Lodge, and we were distributed in the neighbourhood in detachments. I have commanded the depôt in England, at Devonport, for a few years.

1816. In your opinion, are there fewer corporal punishments in the Army, than there were twenty years ago?—I believe there is no doubt of it: I should think so, certainly.

1817. In the 43rd regiment, is the discipline better or worse for the diminution of such punishments?—Upon my word, I cannot undertake to say the discipline of the regiment is worse. I should be very sorry to say so. I do not think it is worse, although I incline to think courts martial are more frequent.

1818. Are acts of insubordination, such as impertinence to non-commissioned officers, and striking non-commissioned officers, more frequent than they used to be?—I can merely speak to those subjects from recollection; the returns of the regiment would shew the annual return of courts martial. I might say, in the 43rd, it would be found we have few who are brought up for crimes of that heinous nature, as insubordination in striking non-commissioned officers; but we had an instance lately of a man using threatening language to a non-commissioned officer, and attempting to assault him. He was brought to a general court martial, and he was sentenced to receive five hundred lashes; two hundred and fifty were remitted. An officer of the regiment, who has come to town, and was present at the infliction of the punishment, informed me, that, when the man had received it, it had so little effect upon him, that he turned round in a most impudent manner, muttered, and made use of some language, "Where is he?" looking round for the serjeant whom he had threatened; but he appears to be a man one only now and then meets with—a very desperate bad character.

1819. A man, perhaps, it might be as well to get rid of entirely out of the Army?—Yes, but being an able-bodied man, it is difficult to do so.

1820. Had he been brought to a court martial before?—Yes, to the best of my recollection. He is an ungovernable fellow.

1821. Upon the whole, then, it would be far better to get rid of him than to continue him in the Army?—No question of it. A man like that would do a great deal of mischief in a regiment. I think, if this man had not been brought up for the offence, and received this punishment, sooner or later he would have loaded his firelock, and, in a fit of madness, have shot his serjeant, for he long threatened him. It is a serious thing to occur in a regiment. When once it occurs, there is no knowing the end of it, if not promptly met, with an adequate punishment.

1822. With a view to checking that promptly, would the punishment of solitary confinement, or imprisonment with hard labour, be sufficient for that purpose, in your opinion?—I do not think it would. I think it is the immediate example; and it is much better making a public example of it on the spot than putting him in solitary confinement, or imprisonment with hard labour.

1823. But, in case of such an offence as you have alluded to, where a man is to be tried by a court martial, some days must elapse before it can assemble?—Certainly.

1824. Is it not so with regimental courts martial?—No; if the crime was committed to-day, you might try him to-morrow, if he were ready with his evidence. It is not so with a general court martial, because, as I have said, some days must elapse before it could be assembled.

1825. Nor a district court martial?—No; for the approving officer may be at some distance.

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1826. Of course the punishment of solitary confinement and imprisonment with hard labour has supplied the place of corporal punishment in many instances?—Most certainly.

1827. Upon the whole, have you found the effect of these punishments such as would give you reason to hope that corporal punishments might be entirely dispensed with?—I fear not entirely dispensed with. I recollect, in former times, when I first joined the regiment, it made an impression at the time; corporal punishments were very frequent, and men were tied up to receive five hundred, six hundred, and eight hundred lashes; and it was a very common thing to witness them. I think discipline is just as good, upon the whole, now. There are various reasons why it is so. I think we have a better description of officers in the Army. Formerly we had a great mixture of officers, some who bullied the men and swore at them, who were impatient, and did not treat them as they should do; there were many instances of this. Now you have got altogether a gentlemanly set of men in the Army, and better educated, who know how to treat the men. They treat them as gentlemen should do, and the men respect them more, and this has great influence on the discipline of a regiment.

1828. It is to be inferred, from what you have said, that your opinion is, that a good deal of the corporal punishment might be avoided by means of these other punishments, but still you would retain the power?—Precisely so, in certain instances, which might, I think, almost be defined.

1829. In actual service, would it be possible to do away with the power of inflicting it?—I have thought of it frequently. I think not. I do not see how it could, from my recollection of crimes committed on the line of march. When a soldier is weary with carrying his knapsack, on a long march, it is at that time you have the greatest trial of discipline. He is most apt to get drunk on the line of march, and when he turns out for the march next morning, he is so knocked up and weakened by the effect of the liquor, that he is scarcely able to march, and he will become saucy and riotous; if he is spoken to by a non-commissioned officer to keep up, very likely he will make use of abusive language, and say, "I can't," or "I won't keep up," and make use of expressions which soldiers, under such circumstances, are too apt to use. Insubordination and drunkenness, on the line of march especially, require prompt and severe punishment; I mean corporal punishment. It once occurred to me, on the line of march from Dublin to Kilkenny; after a long march, in wet weather, the regiment had encountered some old comrades of another corps, who were quartered in the town where they were billetted; and a good deal of drinking was the consequence. Some of the men were not very fit to march the next morning and more disposed to fall out than keep up, until I halted them in a field by the road-side, and informed them that I was determined to bring to a court martial, and summary punishment on the spot, any man who should misconduct himself, or presume to fall out without sufficient cause. The threat alone, the men knowing that I had the power, succeeded, and I am happy to say that, afterwards, I had not a single straggler.

1830. You think, in a case of that kind, corporal punishment will have more effect, and be a better example to the other soldiers, than solitary confinement?—I am sure of it; I have not a doubt of it.

1831. Have you ever observed the effect of corporal punishment on the rest of the men? does it answer the purpose of example to deter others?—I am not sure that what has been said on the subject of corporal punishments has not had some effect upon the men. The non-commissioned officers take in newspapers, and so much has been published about the abolition of it, that the men, I think, of late, have rather got it into their heads that it is to be done away with, particularly as it has been seldom resorted to of late; therefore, it may be, I think, that men with that feeling, do not quite like witnessing corporal punishments. But if the men had not been expecting it would be done away with, I am sure of one thing, that when a man has so committed himself as to richly deserve it, generally speaking, the men themselves enter into the feeling that he has deserved it.

1832. As to the individual himself, do you think it hardens his character, or makes him a worse soldier afterwards?—I think the more frequently a man receives corporal punishment, the worse he becomes, and more hardened and reckless of his character; but if he has only received corporal punishment once for an offence, it may have a good effect in reclaiming him. When it is frequently resorted to, it makes a man careless; he thinks himself degraded, and his character irretrievable.

1833. Have you found the men avoid the society of the man who has been punished?—No; I do not think they have such a feeling about it. I should think they hardly attach that disgrace to it: they would say, he is an unfortunate man.

1834. But do they shew a feeling of contempt for a man who has committed a disgraceful offence, for which he has been punished,—such as stealing, and so forth?—Most undoubtedly, particularly for a thief. A man who has been guilty of robbing his comrades or his officers, will never get rid of the stigma; his companions would always bring it up against him.

1835. With regard to the punishment of solitary confinement, are there, generally speaking, in the barracks, sufficient conveniences for having that punishment carried into effect properly and strictly?—I do not think that there are; sometimes there are not cells sufficient, and they are badly constructed, so that the men can talk to each other, though they do not see each other.

1836. As to punishment with hard labour, is that inflicted by sending a man to the county gaol?—Yes.

1837. What effect have you found confinement in a county gaol have on a man when he came out?—I have scarcely had a fair opportunity of observing that. I remember, at Waterford, when some men were sent to the house of correction, to the tread-mill, I found the men, on coming out, looking better than when they went in. They were in better condition, well fed, and, I suppose, the punishment was so light, that it was scarcely a punishment, though I

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have seen men at work in a perspiration. They mix with others; the gaolers shew great favour and partiality in Ireland to soldiers, and employ them in various situations about the gaol. But I am told that in other county gaols, in Cork, for instance, they work them hard; but then I think, if a soldier is mixed with the bad characters that are sent to gaol, they get more corrupted.

1838. Then, do you think, if military prisons were established in the different districts of England, with all convenience for solitary confinement, and hard labour, that that would be a better system?—I think so, but at the same time, if a number of bad characters are allowed to get together after their work, and talk it over, the hard labour has not that effect it should have.

1839. Suppose they were obliged to keep silence at all times?—No doubt it would be a very great restraint on them; but if after working they were put into cells by themselves, I think it would be better.

1840. So that, supposing military prisons to be established, with all those conveniences that have been mentioned, and proper discipline kept in the prison, it would become an effectual punishment?—I think so.

1841. And they might be used so as to diminish the necessity for corporal punishment, if not entirely, to do away with it as far as Great Britain and Ireland are concerned?—I think, to diminish the corporal punishments, but not entirely to do away with them; one thing is to be said, by long imprisonments you punish the offender, but I think his comrades forget the man and his crime, and you lose his services all the time.

1842. Do the men complain of the loss of service of those men who are confined, and the increase of duty necessarily thrown on them?—I have never heard of it; it will hardly affect them materially in that way.

1843. Suppose that a man is so confined, and the regiment in actual service, would not the men then think it a hardship that a man should avoid all the hard service in confinement, while they are doing his work and going through severe work?—I do not think the men would think much about it; but if the regiment were engaged with the enemy, and got credit, the prisoner would feel it himself, and his comrades would be very apt to taunt him.

1844. In actual service, suppose a regiment to be encamped, or under huts, would it be possible to keep a man in solitary confinement under those circumstances?—Quite impossible.

1845. Still less to confine them, and give them hard labour?—I do not see how it could be possible.

1846. Is there a military prison in Gibraltar?—There are cells.

1847. So that there you had an opportunity of confining men?—Yes; but the cells were close to each other; the cells at Gibraltar were more strictly solitary confinement than any I have seen.

1848. It is not confinement with hard labour?—No. I do recollect an instance or two at Manchester. There was a very stout man in the 43rd, a powerful fellow, who was sentenced to hard labour for a long period at Salford gaol, and he came out a skeleton, so reduced that he could not eat meat; he could only live on milk and bread for some time: he was dreadfully punished. I know another instance. So that there are two instances where they were hard worked, but one of these men was destroyed for some time as a soldier from being so reduced.

1849. So that the difference in the discipline of these prisons made all the difference in respect to the punishments?—No doubt; and, as to solitary confinement, if it is made strictly solitary confinement, it also makes all the difference.

1850. Have you ever considered whether, by means of giving some distinction to well-behaved soldiers, in the way of ornament in their dress, such as wearing a ribbon or medal, or so forth, that such an arrangement would contribute to maintain the discipline of the Army?—I have not a doubt of it; it would exalt the soldier's mind amazingly, no matter what it is.

1851. So that you think that would be a considerable means of keeping up the character of the soldiers?—I do.

1852. Have you ever thought of classing the men according to their good behaviour, and giving them certain indulgences; supposing a man is a whole year without appearing on the defaulters' book, that that should entitle him to certain indulgences in the regiment, and so in proportion for a greater service, without committing faults: such indulgences, for instance, as non-attendance on the parade on a Sunday evening, or some of those indulgences, which are in the power of the commanding officer to give?—Yes, I think to a certain extent, it is acted on; such as in giving men furloughs, who conduct themselves well. I think that is acted upon, without actually classing the men. We have a good-conduct book, in which men are registered who have never been tried by a court martial, nor appeared in the defaulters' book for five years. All those good-conduct men participate in any indulgence that is asked for; anything that we can give them. I do not think that they are actually classed beyond that.

1853. They do not take any indulgence by right?—No, of course not.

1854. Suppose a man conducted himself for a certain time so that his name did not appear on the defaulters' book, and he had a right to come to his commanding officer, and say, "Now, I have been such a time without having committed any fault, I ask from you as a right, that I should not be obliged to attend corporal punishment, for instance, and that I should not attend parade on Sunday evenings," would that be advantageous?—I think it would militate against the discipline of the Army very much.

1855. Unless it proceeded from the commanding officer?—Yes; and I doubt very much the benefit of a practice of that description. I should be loth indeed to open the door to anything of that kind. If we could give furloughs to a greater number, for instance, it would be better. There is nothing a soldier prizes more, or which satisfies him so much; a man who has been on furlough, and seen his friends, returns to his regiment refreshed, and does his duty more cheerfully. If the indulgence of furlough could be extended a little more, it would be attended with a good effect.

*Lieut.-Col. Henry Booth.*

1856. What restriction is there on furlough now?—Sometimes more, and sometimes less, according to circumstances.

1857. The soldier on furlough receives his pay, does he not?—Yes, eightpence a-day while on furlough.

1858. As to pensions; have you any alterations to suggest as to pensions, to encourage a better description of persons to come into the Army?—After the Peninsular war, the pensions were very liberal, and men were not kept so long in the service. A man, after twenty-one years' service, considered himself entitled to his discharge, though he could not actually claim it; and I think that if one might say to a soldier, "If you serve his Majesty for a certain period," say twenty-five years, or any given period short of this, "if your conduct has been that of a good and efficient soldier, you may look forward to discharge at the end of that period, and to a good pension," nothing would have a greater or better effect on the men.

1859. And if he has lost his character, length of service should not avail him?—No, with regard to discharged men, every attention is paid in inquiring into character.

1860. Suppose it were a regulation, that at the time of giving him his discharge, it should be accompanied by a certificate, that his name did not appear in the defaulters' book, or the bad-conduct book, and so forth, for a certain time, a certificate of the actual fact?—There is a given form for recording a man's services and his character.

1861. Supposing it were made necessary that a certificate should be given, under the hand of the commanding officer, as to the fact, not giving an opinion as to the character, but as to the fact of his having been in the bad-conduct book, and so forth?—A board of officers examine the defaulters' book, and the court martial book, and they judge of his general character.

1862. Is that general character judged of from the whole tenor of the man's service as a soldier, or within a given number of years?—The whole tenor of his conduct as a soldier.

[*The witness withdrew.*]

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*Friday*, 10*th April*, 1835.

The Right Hon. Lord WHARNCLIFFE in the Chair.

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*Col. Geo. Burrell.*

Colonel *George Burrell* was examined as follows:

1863. You command the 18th Royal Irish?—I do.

1864. How long have you been in command of that regiment?—Five years.

1865. Have you served all your time in that regiment?—No; I served nine years in the 15th and twenty-two years in the 90th.

1866. How many years altogether have you been in the Army?—Thirty-seven.

1867. Is the 18th the first regiment you commanded?—No; I commanded the 90th for a great number of years, in consequence of the lieutenant-colonel being an old man and very much absent. I commanded the 90th, I suppose, seven or eight years, and also a depôt of the 90th four or five years. In Grenada I commanded five companies for four years, the regiment having been divided. I have been about twenty-two years in the command of a regiment, depôt, or detachment.

1868. During that time you have been in actual command in the field?—Yes.

1869. In the peninsula?—No; in the West Indies and in America.

1870. Whereabouts is the 18th quartered now?—In Limerick.

1871. That regiment has lately been quartered in England, has it not?—It was quartered in the northern district,—Lancashire, Sheffield, Chester, Flint, and Northumberland. We were much divided over the northern part of the country.

1872. The frequency of corporal punishment has diminished very much of late years in the Army, has it not?—Certainly it has.

1873. What punishments have been substituted generally in lieu of that punishment?—Imprisonment with or without hard labour, solitary imprisonment, and from four to seven days what we call dry room, which is a room set apart for men who are defaulters to be put into. Those men attend all parades, and have three hours' drill during the day with their packs on. At day-light in the morning I take their bedding from them, so that they shall have no comfort whatever, except their stools to sit on, otherwise they would lounge away their time on their beds, and the punishment would not be felt.

1874. Are the men Irishmen?—Entirely, except about eighteen Scotch or English.

1875. Do you find that the crime of drunkenness among those men is more frequent than among regiments composed of English and Scotch?—I am sorry to say that drunkenness is too frequent in the Army at present. It is their principal crime.

1876. Do you apprehend it to be more frequent among the Irishmen?—I think it is more frequent in their own country. An Irishman goes on exceedingly well out of his own country, but when he gets back the spirit in which he has been brought up soon appears, and he goes back very willingly to his old habits after having been fifteen or sixteen years out of his own country.

1877. So that you have more trouble in keeping the regiment in order in that country?—Yes, I am sorry to say I have, and more courts martial, but chiefly owing to drunkenness.

1878. When the punishment is imprisonment, with or without hard labour, how is that punishment carried into effect?—The imprisonment with hard labour is generally carried into effect in the county prisons or towns; then it is upon the tread-mill: and, if I may be allowed to make the observation, I do not think such punishment has the effect we could wish. The other soldiers do not see the individual; they lose sight of him the moment he

goes into prison, and they hear or see nothing of him until he comes out again. I think, therefore, the effect is lost.

1879. With respect to the individual, what effect has it?—Not much, I am very sorry to say.

1880. You allude to the effect in deterring him from committing the crime again?—Yes, he soon forgets the punishment.

1881. What is the effect upon his character?—It depends upon the disposition of the individual; some feel it, others look upon it as a matter of course.

1882. Have you ever perceived any ill effect from the sort of society a man has met with in the gaol?—No; I cannot say that I have.

1883. How is solitary confinement carried into effect?—With the regiments where there are cells I think advantageously, for the cells in size are no more than what are perfectly adequate for the accommodation of the soldier. I take away his bedding from him in that cell, the same as in his dry room. He is brought out one hour in the morning, and one in the afternoon, for exercise, which he takes under the superintendence of a corporal, without being allowed to speak to any person. With respect to the imprisonment in solitary confinement, generally, commanding officers, from a want of cells or prisons, are obliged to send them to public prisons; and in the station where I am at present quartered, the cells for solitary confinement are quite a luxury to the prisoner. He has a very comfortable room and good bedding, and a gallery to walk about in, which is better than many subalterns have. The gaoler said the other day, "Sir, if you have any idle fellows who want to pass their time without working, they will come back again." It is anything but a punishment; there is a comfortable lodging-room with a very good bed, and there he may lounge about all day.

1884. Has he a newspaper to read?—No; but he has a Bible and a Testament, and if he does not like religious works there are three or four little histories given him.

1885. Do the other soldiers ever complain of the increase of their own duty in consequence of the withdrawal of those persons?—They do not make any complaint, but I know that they are sensible of it. They say to those who have been in prison, "Here we have been doing your duty while you have been four months in prison:" they never complain to me, or through their officers to me.

1886. They have been probably in situations where the duty has been hard?—That may have been the case.

1887. In cases of solitary confinement, when inflicted within the barracks, are the cells so constructed as to prevent any communication between them or from the outside?—Generally so; they ought certainly to be so.

1888. With all these means of inflicting these punishments you have mentioned, have you found the discipline of the regiment improved or deteriorated by the fewer number of corporal punishments?—I do not think that the discipline of the regiment has fallen off, but that may probably arise from having a better description of men than we had in time of war.

1889. You conceive that the longer peace continues, by degrees, the better description of men you get?—Yes, we are improving; and if we were allowed to get rid of a certain number of men, from ten to fifteen or twenty men in every regiment, who are of notoriously bad character, who are probably tried three times a year, and pass two-thirds of their time in prison, if these men were but got rid of, it would be of great advantage. I, as commanding officer, should not wish to have it left to myself. Let me send in the names of the men, and let them be selected by the adjutant-general, for the crimes and errors accompanying their names. I should not wish them to get their discharge at a certain short period; but giving such a period that no one would be induced to play the rascal for ten or eleven years to obtain his discharge. These men, if I may use the word, inoculate the young soldiers, for they look out for young men to spend a few shillings with them in drink; and, being corrupt themselves, they go on corrupting their fellow-soldiers.

1890. Especially the younger part?—Yes; and we take youth entirely now.

1891. Taking all these circumstances into consideration, are you of opinion that, as far as Great Britain and Ireland are concerned, it would be possible to do away entirely with corporal punishment?—I must say I should be sorry to be deprived of the power; but I think it would be practicable, for we might apply for general courts martial, and these men might be transported: but we must have reference to a higher power for such courts martial, and the delay would be injurious. I will state why I should object to the power being taken from us: suppose, in time of peace, we can obtain men of that description that we can carry on the discipline of a corps without corporal punishment, if we should unfortunately get involved in a war, we must take any able-bodied men who can be got to fill our ranks; and if the power were taken away from the courts martial, I am persuaded that the legislature would never restore it. The power had better therefore remain, though a dead letter, with troops at home.

1892. If you are understood rightly, your opinion is, that you think the discipline of the Army, in Great Britain and Ireland, might be kept up without the infliction of corporal punishment; but that it would be very desirable to retain the power to inflict it in certain cases if necessary?—Yes, and particularly if we were again obliged to fill our ranks by every description of individual who could be obtained.

1893. Applying yourself to the Colonies, do you think it would be equally possible to do away, in the manner you have mentioned, with corporal punishment in those parts of the world?—I am afraid not.

1894. Why do you think there should be a difference between the Colonies and Great Britain?—The men drink there generally to a greater extent, and they commit more acts of insubordination, in consequence of the general drinking amongst them. I was in the Mediter-

*Col. Geo. Burrell.*

ranean about three years ago, and there drinking went to a great extent. I have also been in the West Indies, and I know we had drinking there to a great extent, and a great deal of misconduct towards inferior officers, which we do not experience at home. There is no sort of amusement in the West Indies, and it is difficult to keep them from drinking in the morning. After dinner they either drink raw spirits, or increasing the strength of their grog, they become violent. Men who drink spirits are more violent than those who drink ale.

1895. Have you not found great inconvenience to arise in the West Indies from the control of the canteens not being in the commanding officer, but with an officer of another department?—When I was there the canteen was solely under my own control, with the exception that the general officer directed that it should be opened at a certain hour.

1896. You think that, in the Colonies, there would be greater difficulty in such a regulation as that pointed out?—I think there would. I am myself decidedly an opponent to punishment if it can be avoided, and I have had very few punishments, I think only three since 1831, and those all in the same company very recently, two of them on the march, and another on a detachment. The only punishments I have had for three years and a half have been all in the same company.

1897. What gave occasion to the men being punished on the march?—The men got drunk, and behaved exceedingly ill in the billet where they were, and were put into the guard-room; and, in consequence of being put there, they got only sixpence in the morning before marching. They were to march as prisoners, and they would not move. Under those circumstances, it was necessary to hire a cart and bring them on; and when we reached our destination I applied to the general officer commanding for a district court martial, and as they were perfectly sober at the time they disobeyed orders, their sentence was corporal punishment, which I saw inflicted; they have both been tried since; they were bad subjects.

1898. Suppose, instead of corporal punishment, a regimental court martial had sentenced them to imprisonment, with hard labour, do you think that would have sufficiently marked the offence to the regiment?—A regimental court martial being limited to twenty days, that would not be adequate.

1899. Supposing the regimental court martial had the power of inflicting a longer continuance of imprisonment, as a substitute for corporal punishment, would that have done?—Then, I should have said, the imprisonment was a better thing at the time, because, on the march, you can seldom punish on the road, from want of officers to form a court; you must send to one or two of the detachments, to get officers to try them. If you could try them, and put them into prison the moment you get into a town, I think that would be an improvement in such cases.

1900. With regard to an Army on service, actually in the field, do you think it would be possible, then, to do away with corporal punishment?—Certainly not.

1901. Supposing it were deemed necessary to do away entirely with corporal punishment, would there be any possibility, when an Army was in the field, either encamped, or in huts, to execute a sentence of solitary confinement?—I never saw the means of carrying any punishment into effect, except corporal punishment, in the field; we should be moving every day, and if we were to have a guard to take care of prisoners, we would lose men whose services were required against an enemy.

1902. You are aware, that, in the French Army, they do not make use of corporal punishment, even in the field?—Perfectly.

1903. Are you aware by what means they are enabled to preserve their discipline?—Not more, than that the French soldier is not so much given to drunkenness, the parent of crime, as is the case with us.

1904. Supposing inducements could be held out to a better class of persons to go into the Army, do you think, in that case, it would be possible to preserve discipline, without retaining the power of corporal punishment, when the Army was in the field?—I am afraid some bad subjects would still creep in, notwithstanding any care taken, and corporal punishment be unavoidable.

1905. Had you any opportunity of knowing actually the state of discipline in the French Army, upon march, during the war?—No, except on a small scale.

1906. What effect have you perceived that corporal punishment has upon the minds of the men who witness it?—Very different upon the old soldier, and upon the young. The young soldier appears to dread it very much; the old soldier looks on it with the most perfect indifference, and they are often heard making remarks afterwards—"That fellow very richly deserved it." I do not think the good old soldiers, who do not come under the lash, are enemies to corporal punishment. They say, "That fellow well deserved it," but the young soldiers dread it. I do not think of the soldiers, who have been four years in the regiment under my command, there are more than one or two who have been punished out of, I think, two hundred and sixty or two hundred and seventy men. They are almost all the old soldiers that we have to try for serious offences.

1907. Do you conceive the feeling on the part of the younger soldiers you have mentioned, to be that of disgust, or terror, at the punishment?—I think there is a little of both. Some are disgusted with the exhibition, and, also, deterred. They are more deterred now by seeing it seldom: when it was frequent, it had less effect upon the mind.

1908. Upon the soldier himself, is the effect of it rather to harden him than to deter him from committing the same offence again?—That depends upon the character of the individual. On some men who are punished, there is not the slightest effect produced; others are desponding and low spirited after it, and apparently affected by the exhibition they have made.

1909. Have you ever perceived any effect among the other soldiers,—such as the avoiding

the company of a person who has been punished, or holding him cheap in any way?—Not much so; I have endeavoured for years to prevail upon them to check that man, to keep him aloof, not to make any associate of him, and to prevent his committing other crimes, when I saw that the previous punishments inflicted had had no effect on the individual: but they do not seem to think him disgraced; they do not entertain that opinion.

1910. In case of an offence of a disgraceful nature, do they shew a feeling of that sort?—Yes, very much; so much so, that I have had soldiers come forward and propose to raise money to purchase the discharge of such a man. They say, "He is a disgrace to the company, sir, and we will raise the money to pay the bounty of a recruit, to replace him."

1911. Is that feeling prevailing in English regiments as well as in Irish?—I have no doubt of it. I was applied to very recently, to obtain the discharge of a man who had been frequently tried. They (the soldiers) said, the money is forthcoming to provide a recruit, if I would obtain the man's discharge, to get rid of him, as he was a disgrace to the company.

1912. So that, in fact, the disgrace was the consequence of the crime rather than the punishment?—Yes, and his general misconduct.

1913. Have you made any application for the discharge of notoriously bad characters?—I have not directly; but I have stated that it was a thing I did recommend. I should not wish to have men of notoriously bad character discharged until they had served a certain number of years; for it would hold out an inducement to men to run a career of vice for a certain period, to get discharged. I would send a list of twenty-men, with a list of their crimes, and leave it to the adjutant-general to discharge them.

1914. You are still fostering the corruption in your regiment in that case?—So we are; but we cannot discharge every man who misbehaves, or men would misbehave to get their discharge.

1915. The question refers to those men of notoriously bad character, who have been frequently before courts martial, and who may be considered so obnoxious in the regiment as to corrupt the other soldiers?—Certainly. It has often struck me, it might be advantageous to have some further check upon desertion from the regiment. If a man deserts, he has probably received his bounty. Deserters generally take off the whole of their clothes with them (what we call their kit); if a deserter is taken up afterwards, at the tail of the plough, with the spade in his hand for instance, on return to his corps, the officer of his company has to find his clothes, which are regularly deducted out of his pay; that is all fair and just. Another soldier deserts, and he enlists into another regiment: he is discovered in that regiment, and comes back with all the kit, which has been bought out of the second bounty, which I would make that man refund, or the second enlistment is a premium for being a vagabond, a premium on desertion. It is placing him in a better situation, who has committed the crime of a second enlistment, than the unfortunate man who has gone off from a dislike to the service; this man has no dislike to the service, for he has gone to another regiment. There is another thing I would beg to mention: I think it would be desirable that there should be an end put to the practice of crying down the credit of a regiment. I should apprehend the legislature might do away with the necessity, by introducing that into the Mutiny Act, and declaring by Act of Parliament, that any man allowing a soldier to contract a debt with him shall lose it. It is a degrading thing to be obliged to send out a drum and fife to call it out in the streets; and if the commanding officer neglect to do this he forfeits three months' pay, provided the debts of the regiment amount to that sum. With respect to this crime of soldiers' contracting debts, and not liquidating them, there is not sufficient check, and a few bad characters contract debts knowing they are not obliged to pay; therefore it is a premium on rascality. I should like to see that man, who contracts the debt, mulcted the full amount; so that the soldier should not have a bonus upon his rascality, but that he should pay the amount, and the paymaster credit the sum to Government, to be applied to Chelsea, or whatever institution it may be thought advisable.

1916. In the case you alluded to, of the men who refused to march, were they tried by regimental court martial?—By garrison court martial.

1917. Then the effect upon the men's minds was not seeing them punished, but only taken up?—Only taken up; except that they knew they would be severely punished, from the nature of the crime.

1918. Then, except in the drum-head court martial, there is no effect of their seeing the punishment?—Certainly not immediate effect; and our objection to the present system is, that the men do not see the punishment. There are various places in England, Plymouth, Portsmouth, and Chatham, for instance, where men could be brought to work under the engineer department, and under the eyes of soldiers every day; but they lose sight of them when committed to prison, and they come out without the soldiers in general having seen their punishment.

1919. Were the men whom you refer to established bad characters?—Yes, the two men alluded to; and they have been both tried since, and punished again by imprisonment.

1920. Supposing you had thought it necessary in the case of the men you have mentioned, who had committed that offence on the line of march, to make a striking example at the moment, would the calling a drum-head court martial, and the infliction of corporal punishment by sentence of that court martial, upon the spot, have had a greater effect in your opinion upon the other soldiers, than putting the men into a cart, and conveying them to prison?—Decidedly.

1921. Can you contemplate circumstances under which it might be necessary to have recourse to that line of conduct, with respect to the men committing the offence now mentioned?—That was not the case of a regiment, but of a detachment. If I had been there myself, and had officers sufficient, I should have tried them instantly by drum-head court martial. If a man

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has unfortunately got hold of drink of any description, and he says, "I won't march, I cannot march," and so on, I can make an allowance for that man; but if a man when he is sober next morning, will not march, I should think that corporal punishment would be applied with effect.

1922. The object of punishment deterring others, was answered by that punishment which was inflicted?—Yes; but probably it might have had more effect if these men had been punished upon the spot; probably there would not be another attempt of anything of the kind. They might say, "These men have got off, and they have a ride into the bargain."

1923. Does not it appear that the effect of corporal punishment, which is wanted, might be reserved for those cases in which a summary punishment was required, as far as this country is concerned?—I have said that I think it possible to do without corporal punishment in England; but that I should be sorry to lose the right of using it in cases where it was necessary, and might be used with advantage.

1924. Can you conceive any case in which it is so essential to inflict corporal punishment as one in which an immediate result is to be produced?—No.

1925. An immediate result is produced only by drum-head court martial?—Just so.

1926. Do you conceive the power of the commanding officer, in inflicting summary punishment of any description, is rather too much restricted by the present regulations?—Yes: one of the recent articles, I think the 53rd, authorizes an officer to try by a regimental court martial a man drunk on parade. The court can sentence thirty days' loss of beer money, and such other sentence as the court may award. I am quite satisfied, if we had the means of carrying that punishment into effect without that reference to the court martial, no man would escape it. Commanding officers do not like to give in a long list of courts martial to the adjutant-general. If we were authorized to give a man seven days' imprisonment, and to mulct him in the same way as in the civil law for being drunk, it would have, I think, a better effect, being more summary.

1927. Do you think the punishment of stoppage of pay has a considerable effect on soldiers?—I think in many cases it has good effect. I have always, when a man has been put under stoppage, and his court martial has been read to him, or when he comes out of prison, explained to him that his own misconduct has been the cause of the imprisonment and loss of pay; that I am willing to forget all his former misdeeds if he will only show me that he has forgotten them himself; and if he has been sentenced to a year and a half, or two years loss of pay, I shall have a great deal of pleasure, if, after six months he has not misconducted himself, to forward and recommend the restoration of his pay; and I have in some cases done that, which the articles of war authorize.

1928. Suppose a man should be sentenced for a certain length of time to solitary confinement, would you entirely stop his pay during that time, and apply it to some regimental purpose—or would you prefer the stoppage only of a part of it?—His pay is stopped, all but sixpence, which goes for his diet; the difference is allowed in the regimental pay-list.

1929. But it does not go to a regimental purpose?—No, it is not drawn; it goes to the public use. The pay is charged in the pay-list, but it is deducted afterwards in the name of the man.

1930. Supposing a regimental court martial, or other court martial, to have the power of awarding that the surplus of a man's pay, beyond his actual maintenance, should be stopped and applied to some purpose within the regiment, such as the school, for instance, do you think that a punishment of that sort would have a great effect upon them?—They do not get the pay at present, and I do not think the regiment wants such a fund. I think it is as well it should go to the service of the public.

1931. Do you think that, if the system of stopping pay were carried to a greater extent, in consequence of the total abolition of corporal punishment, there might not be a feeling on the part of the soldiers that courts martial were resorted to more for the sake of the public purse than the preservation of discipline?—I do not think such a feeling exists among the soldiers. Perhaps I may have done wrong, but I have frequently told them they must not suppose this was so, because the government are much more happy to pay them than to withhold from them. I have said, it is always a pleasure to me,—my happiness depends on their good conduct, and their own happiness depends upon it, and I have no pleasure in putting my hand to a court martial to deprive men of their pay. I have said, you must be convinced by the articles which I have read to you, how anxious the government must be to preserve your health and your comfort, and they would be glad to give you your full pay.

1932. Do not you think it would be better to retain in the hands of the commanding officer the power of restoring any fine which has been inflicted on the man, than the necessity of applying to the Secretary at War?—I think it would; but I would not allow a commanding officer to restore it under six months, if a man has been mulcted for twelve.

1933. Do you think that the effect would be greater if the fine were imposed and paid as quickly as possible, instead of stopping merely a penny a-day?—Decidedly; what I propose is to charge the soldier instantly, to put him under the heaviest stoppage; so that, if he is fined half-a-crown, he shall have nothing to spend for a week to come, I think our hands are too much tied.

1934. With respect to rewards, in order to induce better behaviour on the part of soldiers, and also a better description of men to enlist in the Army, have you ever considered how far the establishment of an order of merit in the Army descending to the very lowest ranks, might have a good effect?—I think it might have a good effect, but I would not have it general, but have it on a limited scale, that it should be considered as an honour.

1935. To be worn during the service of the soldier?—Yes; but I would have it on a very limited scale, that a man should look up to it as an honour.

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1936. And bestowed so publicly, and with such ceremony, that a man should have additional reason to look upon it as an honour from those circumstances?—Yes.

1937. Do you think the depriving them of that distinction, by the sentence of a court martial, after receiving it, would operate as a considerable punishment?—Certainly it would.

1938. Have you ever considered how far there are other matters which might be held out to the soldier?—Not particularly; but the pension is so much reduced by the last warrant, I think that a deserving good soldier should be taught that good conduct would entitle him to some consideration beyond what I think the pension now is, which a soldier can claim, if discharged at the end of twenty-one years. We find, after fourteen years' service, a soldier is to get twopence a-day increased pay: I should prefer that, instead of his getting that as a matter of course, a board of officers should sit and examine that man's conduct for the previous fourteen years, and that his receiving the increase should depend upon his previous conduct. I do not see anything unjust in that.

1939. That it should be recommended by a board?—Yes; and that, after fourteen years' service, I would not give it him unless his conduct had deserved it.

1940. Do you think the value of the distinction to a good soldier would be impaired if this were given to every soldier who had not forfeited it by misconduct during the fourteen years?—I think that would make it too general, for the old soldiers will get discharged, and the others will come in succession. I should say four or five or six men of a company would be sufficient.

1941. You are aware that that twopence a day was never contemplated as a reward for good conduct, but an inducement to soldiers to remain in the service?—Yes, I know it; but that was during the limited service; the alteration I propose cannot touch those that have been already enlisted.

1942. You propose the changing it from one object to another, that is, from length of service to good conduct?—It has already been interfered with, for a man after seven years got a penny.

1943. That has been in consequence of the peace, it being a greater object in time of war to obtain the continuance of their service?—Our men are all enlisted now for life. Then, under Mr. Windham's Act, they were enlisted for seven years, and then enlisted again for another seven. There is no limited service now. The increase of pay was an inducement to re-enlist.

1944. Do not you think that the money of which soldiers are mulcted should be applied to regimental purposes, such as the support of women with families and widows, and so forth?—It would prevent the necessity of making those little subscriptions which are now called for; but soldiers are too fond of marrying a great deal.

1945. Have you formed any opinion upon the expediency of limited service, instead of service for life, in the first instance with a view to obtain a better description of soldiers to enlist into the Army?—We had a great deal of experience during the war. We generally got a few men of a better description, who went in to try it for seven years; but I think the description of men now are as good, But one thing I would remark; I think the recruiting parties do not pay sufficient attention to the recruit. I find, from experience, that the men enlisted either in the town where the party is recruiting, or the country round, are a much better description of men than those sent up by them, who may have enlisted from counties distant, and who are trampers. They are generally men of bad character, and have left their own country because they have no character to obtain a living; and I have found nearly one-third of those trampers to be deserters. If we could obtain a sufficient number of men in the service, and limit our recruiting parties to take men in the town where they are situate, or the vicinity, we should have better men.

1946. Would it be possible to adhere to regulations of that kind in time of war?—Certainly not. I hope it will be felt that there is an inclination on our part to do away with corporal punishment, by desiring a better description of recruits.

1947. Does the extent of corporal punishment, as generally inflicted, appear to you to go beyond the necessity of the case, either in the way of example, or punishment to the individual?—I should say certainly not.

1948. What is the extent?—A regimental court martial can give two hundred; a garrison court martial can give three hundred lashes; and, though I am an enemy to punishment, if the offence is such as to oblige me to tie a man up, I think it is better to give such a punishment as should deter others, though it may not reclaim the man.

1949. Have you any other instance to state in which you think the power of the commanding officer is too much restricted?—If a man is absent from evening parade, and he stays away the whole of the next day, and that man does not come back until probably nine or ten o'clock at night of the following day, he is absent two parades and twenty-four hours. I should think it a good thing if that man were mulcted of his pay; but that we cannot do, unless we try him by regimental court martial.

[*The witness withdrew.*]

*Col. Jas. Fergusson.*

*Colonel James Fergusson* was examined as follows:

1950. You command the 52nd regiment?—I do.

1951. How long have you been commander of that regiment?—Since 1825. I have been twenty-one years commanding regiments altogether. In May, 1814, I was appointed to the command of the second battalion of the Buffs, and in 1819 to the command of the 88th regiment, and was removed in 1825 to the 52nd, of which I am now in command.

*Col. Jas. Fergusson.*

1952. You served in the Peninsula during the war?—I served during the whole of the war in the Peninsula.

1953. In what regiment?—I was in the 43rd the chief part. The last campaign I was a major in the 85th.

1954. Was your regiment afterwards engaged at Waterloo?—I was in the second battalion of Buffs at that time at home.

1955. How long have you been in the service altogether?—Thirty-four years.

1956. Since you entered into the Army there has been a considerable diminution of corporal punishment?—Considerable, since the war particularly.

1957. With respect to the regiment you command, how many corporal punishments have you had in it during the last two or three years?—Within the last three years nine or ten instances.

1958. What description of offences have given occasion for those punishments?—Violence, insubordination, and conduct of a disgraceful nature.

1959. Have there been any for theft?—In one or two instances. One man has been dismissed the service with ignominy after being flogged.

1960. Recourse is now had to solitary confinement and imprisonment, with or without hard labour, in lieu of corporal punishment, in many cases?—Yes, in many cases.

1961. Do you find that the discipline of your regiment has been deteriorated by the substitution of those punishments for corporal punishment?—Certainly. More offences have been committed since the restriction has been made.

1962. Do you find that the late regulations, restricting the power of the commanding officers more than they were before, have had a good or a bad effect on the discipline?—A bad effect decidedly.

1963. When you speak of the deterioration of the discipline of your regiment, since these punishments have been substituted for corporal punishments, do you consider that that is on account of the manner in which those punishments have been inflicted, or that it is absolutely necessary to retain corporal punishment for certain offences?—I think all our punishments ought to be summary, however slight. It has a better effect than the slow manner in which we are now obliged to proceed.

1964. You think that corporal punishment has more effect, in the way of example, than the other punishments mentioned?—Decidedly; but, at the same time, one would very seldom have occasion to use it; for example, only in instances of violent insubordinate conduct, that must be checked at the moment, particularly on a march, or the consequences might otherwise be serious.

1965. Do you mean by drum-head court martial?—No; there is no necessity for that; a regimental court martial would answer in almost all instances.

1966. Supposing that a regimental court martial were to sentence a man to solitary confinement, would not the punishment follow as quickly on the offence as the infliction of corporal punishment?—We cannot do it on a march; but a summary punishment has a decided effect. I have seen it stop the most violent conduct, and prevent serious consequences.

1967. Supposing the case of a man refusing to march, would you punish that man immediately by sentence of drum-head court martial, or carry him to the next place where you halted?—In most cases, if it were a violent disobedience of orders, I should try it immediately on the spot if the man was aware of the consequences of his disobedience, and persevered in it.

1968. In cases where you do not think it necessary to resort to so summary a proceeding, would you put him in confinement, and convey him to the next place where you halted?—Yes, I should, and send up charges against the prisoner, and make an application to the proper authorities for a court martial.

1969. How would the power of enforcing corporal punishment by sentence of a court martial make the punishment more summary than the punishment by imprisonment or hard labour?—Because the one takes place upon the spot.

1970. You mean on the spot immediately after the sentence?—I meant in a case where he was tried by a regimental court martial, and punished on the spot; the other is a slow process, and we do not hear of it for a fortnight or three weeks.

1971. In cases where the process is necessarily slow by the necessity of reference to headquarters, why do you think there is a necessity for retaining corporal punishment instead of other punishments?—I do not think we could keep up the discipline of the service without if we were to resort to that process always, and it is only in cases of such violent conduct as I have already alluded to that it becomes necessary to have recourse to it.

1972. Supposing you were obliged to have recourse to that slow process in the way of punishment, and solitary confinement and imprisonment with hard labour were substituted for corporal punishment, what effect would it have, the question referring to Great Britain and Ireland?—I do not think it would have the effect of preserving the discipline.

1973. You think the example is more striking of corporal punishment than of imprisonment, and more effectual in deterring others from crime?—Yes, decidedly so.

1974. The effect is greater in consequence of the punishment being inflicted immediately, and the whole gone through in the presence of all the men?—Yes, exactly.

1975. Where, for reasons, punishment cannot follow the offence immediately, but must wait for trial by court martial, do you not think imprisonment with hard labour, especially if it was in a place in the sight of the men, would be sufficiently effectual for the object of maintaining discipline?—No, I really do not think it would; for we have instances of men who have been two and three months in imprisonment, and when they come out they will commit the same offence in three or four days again.

1976. Do you not find that men who have received corporal punishment have done the same?—No, we have but few instances; and I find that the rarity of it increases the effect. I have had several instances of men who have received corporal punishment come to me afterwards, and say, "Sir, if you will forget what is past, you shall find me in future a good soldier;" and in almost every instance the man's conduct has improved; and I am confident we have many instances of young soldiers, whose conduct has been so violent that we have been obliged to resort to corporal punishment, and that its effect has invariably been good, and often has saved men from committing serious offences, for which they would be transported. In the instances I allude to the men have afterwards turned out good soldiers; and in one instance particularly, that occurred lately with a young man.

1977. Do you think that young man you refer to has lost himself in the opinion of his comrades?—Not the least; it is the crime that injures them in the eyes of each other, not the description of punishment.

1978. Would you refuse to promote that young man in the course of time, if he deserved it?—Certainly not. We were directed a few years ago to send in a return of the men who had been punished, then serving with the regiment, probably a period of nearly thirty years. There were between twenty and thirty, and three-fourths of them were some of the best men we had. Some of them were serjeants.

1979. What countrymen are the men of your regiment?—Rather more than two-thirds are English. They are very fine men.

1980. Do you think the feeling against corporal punishment has increased amongst the soldiers since there has been so much conversation about it elsewhere?—I do not think they reflect much about it. The steady good soldiers of the regiment who have been a few years, in the service, would tell you that we could not preserve the discipline of the service without having the power of corporal punishment.

1981. What effect do you think corporal punishment has on young soldiers who witness it; is it that of disgust or of terror which tends to prevent their committing the same offence?—I should say, of terror.

1982. You think that generally the man who has been punished is not avoided?—Most certainly not; it is the crime, not the punishment, that marks the disgrace.

1983. Have you reason to think the existence of corporal punishment in the Army operates on the minds of men so as to prevent their entering the Army?—I should say decidedly not.

1984. You have never heard that mentioned by recruiting parties?—Never.

1985. Would it be possible on service to do away with corporal punishment?—Certainly not.

1986. Would it be possible, if such order was made, to give effect to such punishments as are now substituted instead of it?—I do not think that can be effected in the field.

1987. There would be no means of confining a man solitarily but in a tent or a hut?—I do not see how it would be possible.

1988. You have served in the Colonies?—I have served in the Colonies, in Nova Scotia.

1989. Was your regiment, when in Nova Scotia, altogether, or very much detached?—We were together two or three years at a time.

1990. In the places in which you were then quartered had you the means of confining a prisoner solitarily, as you have in barracks in England?—The same means.

1991. Several of your men have been confined in county or town prisons?—They have.

1992. Have you ever perceived any effect from the society into which they have been thrown, during the time they were in prison?—I think, in a degree, they have been injured, certainly not improved by it.

1993. With respect to solitary confinement, are the means of putting that into effect as it ought to be, provided in most of the barracks in England and Ireland?—I scarcely know an instance where it is properly provided for: the cells are not sufficiently retired; therefore the punishment loses its force. I should prefer that punishment to hard labour in public gaols, if the cells were sufficiently retired.

1994. Supposing military prisons were established throughout Great Britain and Ireland, in which the means both of solitary confinement, and of imprisonment with real hard labour, were afforded, the necessity of corporal punishment might be, in a great measure, done away with?—Yes, I think it might be in a great measure done away with, still retaining the power in cases of violence and insubordination, alluded to before. If military prisons could be established on the American plan, of combining hard labour with solitary confinement, and perfect silence maintained, I think it would be beneficial.

1995. Is not that a very expensive system of establishment?—I believe it pays itself.

1996. Have you ever heard complaints among the men of the increase of their own duty, in consequence of the absence of those persons who were under confinement?—I have heard that they felt the inconvenience in the garrison in Dublin; but the men are not in the habit of making complaints of the hardship of their duty.

1997. Have you ever considered the subject of the stoppage of a soldier's pay, as a punishment carried to a greater extent than it is now?—I think, if we could have something like the authority of a magistrate to fine immediately, it would have a very good effect: the present slow process of district courts martial for habitual drunkenness has not the same effect the other plan would have.

1998. Do you think it would have an effect in decreasing the frequency of the crime of drunkenness if the commanding officer had the power of fining immediately, in the same way that the magistrate does in many cases on his own view?—I certainly do.

1999. Have you ever considered how far some distinction, either of dress, or in the way of

*Col. Jas. Fergusson.*

medal or riband, or something of that kind, might have an effect upon the minds of soldiers, if it was bestowed in consequence of a certain length of service and good conduct?—I have reason to think that it would have a good effect, if we were to have some distinction after services of seven years, fourteen years, and twenty-one years, of really good and distinguished conduct, —some badge on the arm; but I think the medal should only be given for service in the field.

2000. Supposing that distinction were conferred in a public manner, at the head of the regiment, that would increase the effect?—Certainly.

2001. Supposing the men were liable to be deprived of that distinction in as public a manner as it was conferred, would that have a good effect?—Certainly, I think it would. I think we labour under one disadvantage at this moment. Our soldiers who have led a regular life, and whose habits have been temperate, are obliged to serve on (no time being limited for their discharge) as long as their health will permit. On the contrary, the intemperate injure their health, and are discharged at an early period, as unfit or worn out, and receive pensions, thereby offering a boon to the irregular and intemperate soldier, and holding out no advantage to the good and faithful one. The existing pension regulations, of February, 1833, have tended to keep a very good class of men out of our Army, particularly from the North of Ireland.

2002. To what pension regulations do you allude?—The existing warrant of 1833.

2003. Do you think a distinction of that kind which has been referred to would be sufficient to induce persons of a more respectable walk of life to come into the Army?—I think that might induce them; but I think, if the men were certain of their discharge after a regulated number of years, not exceeding twenty-three years in time of peace, and had the old rate of pension to fall back upon combined, would have a most excellent effect.

2004. Supposing the two combined, namely, that of having a distinction, and the having been discharged with it, still retaining it, should entitle a man to a pension, that would have a good effect?—Certainly: I think a soldier looks more to his retreat than anything else; and if a soldier who is a good man, and retires with a good character, upon returning to his parish, if he could have any civil rights, a vote, or anything of that kind, to raise him in the estimation of the parish, it would have a good effect.

2005. You think that the example of that exhibited before the young men of the parish would have a good effect upon them?—Decidedly.

2006. Do you think you have a better description of men in your regiment than you had twenty years ago?—No; I do not see any marked difference. We got our men from the militia chiefly during the war.

2007. You do not think they are better or worse than they were during the latter years of the war?—No.

2008. Are the men you have now of a better description than those you got during the war?—I think they are rather more select. At the head-quarters of the regiment we do not take men without good characters. During the war we were not always able to ask that.

2009. Did you get good men from the militia?—Yes, generally.

2010. Did you find that they were a good class of people, or only improved by the discipline?—I think, in general, they were a good class of persons.

2011. You are aware that they were, in general, substitutes, and not balloted?—Yes. There is one thing which I think would have a very good effect on the service,—to give greater facilities in discharging bad characters, and to enable soldiers to get their discharges on easier terms than at present.

2012. Do you think the holding out a certain number of commissions to the men would have the effect of promoting good conduct?—In most instances soldiers who have been distinguished by good conduct, and deserving of commissions, have been appointed. Men of that class are seldom overlooked.

2013. Do you think that, if means were adopted for the bad men being got rid of, that it would improve the general discipline of the Army?—Yes, it would raise the soldier in his own estimation.

[*The witness withdrew.*]

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*Thursday, 7th May,* 1835.

The Right Hon. Lord WHARNCLIFFE in the Chair.

*A Serjeant of the Coldstream Guards.*

*A Serjeant of the Coldstream Foot Guards* was examined as follows:

2014. How long is it since you enlisted?—In the year 1815.

2015. In the Coldstream Guards?—Yes.

2016. How long did you serve as a private?—About two years before I was appointed a full corporal.

2017. How long did you remain a corporal?—About five years.

2018. So that you have been a serjeant in the Coldstream since the year 1822?—Yes.

2019. You had never been in any other regiment before?—No.

2020. What age were you when you enlisted?—Seventeen.

2021. What countryman are you?—A Somersetshire man.

2022. When you entered the Army in 1815, were there more frequently corporal punishments than there are now?—Yes.

2023. Have you lately had any corporal punishments in your regiment?—No; I think the last was about eight months ago. I think one hundred lashes were inflicted.

*A Serjeant of the Coldstream Guards.*

2024. For what offence?—Direct insubordination, refusing to go on guard, or do his duty.

2025. How long had the regiment been without a corporal punishment before that?—I think it was about sixteen months before.

2026. Since what time is it that the occurrence of a corporal punishment has become less frequent in the regiment?—I think about three years, perhaps rather longer, gradually less indeed for a period before that.

2027. Do you find that the discipline of the regiment is better or worse since the reduction in the frequency of those punishments?—I consider, myself, that it is rather worse.

2028. In what respect do you think it is rather worse?—I think the men are not so obedient, and not so careful in what they say.

2029. Are they more addicted to drunkenness than they were?—A great deal.

2030. Within what time do you speak to?—The last three or four years particularly.

2031. What punishments are inflicted in your regiment for drunkenness?—What we call *billing-up*, and drilling, in marching order, twice a-day, and confinement in barracks.

2032. In a case where, ten years ago, a soldier would have been punished at the halberds, what punishment is substituted in the room of that now?—The tread-mill.

2033. Where?—Generally in Brixton and Coldbath-fields. The men dislike Coldbath-fields more than Brixton.

2034. Is there a tread-mill in Coldbath-fields?—Yes.

2035. What effect has that punishment in Brixton or Coldbath-fields had upon the men?—I think it has a very great effect upon their constitutions; but I think the effect is not so much towards the preservation of order and discipline as corporal punishment, because there is no example shown. It has not the same effect when a court martial sentences a man to three or four months to the tread-mill as the witnessing a corporal punishment. I think the men are not so obedient since corporal punishment has been diminished.

2036. Your opinion is that the reading the sentence of a court martial, and marching the man off to confinement, has not the same effect upon the other soldiers, by way of example, as the infliction of corporal punishment?—Yes, and I am quite sure of it; for I have often seen young soldiers fall out fainting—at every punishment three or four. I never saw anything of that sort happen when an order was read for sending a man to prison.

2037. Do you imagine that feeling on the part of the men who fell out arose from disgust at the sight of the punishment, or from the feeling that they were liable to have that punishment inflicted upon themselves?—I should think from the latter.

2038. When a man has been punished in your regiment, do you find that the other soldiers avoid his society in any way?—I cannot say that I ever observed any thing of that kind.

2039. Supposing a man to be punished for a disgraceful offence, such as thieving, do you then find that he is shunned?—Yes, he is shunned by his comrades in those cases.

2040. You mean to say that he is not shunned by them merely because he is punished, but because he has committed that sort of offence?—Yes, I do not think it is because he has been punished.

2041. Have you ever heard the men conversing amongst themselves with regard to the punishment of flogging?—I never heard the men speak of it with abhorrence; and I do not think the soldiers think it a degrading punishment at all. I never heard them name it, or speak with any particular dislike to it. I was ordered two or three years ago to go to Brixton for some men who had been confined, and put on the tread-mill. I believe his Majesty had forgiven them. I went to fetch them. Those men had served two months; and they declared to me that they would rather receive two hundred lashes than go through the same punishment again.

2042. When those men came out did you find that they did their duty in a better manner, or were under better discipline, than when they went into Brixton gaol?—I have seen men who have returned to duty from the tread-mill and behaved better. I have an instance in my own company of a man who has behaved very well since. I cannot say that it is general, but I have known instances where it has been the case.

2043. You have never been on actual service in the face of an enemy?—No. I was in France three years with the Army of Occupation.

2044. Had you any punishments in that period?—Rather moderate; perhaps as many as six or seven in the year.

2045. Whereabout were you with the Army?—I joined at Paris, in the Swiss barracks, and came down to Cambray.

2046. In the town of Cambray?—Yes, and in the villages adjacent, for a considerable time.

2047. Supposing flogging had not been allowed there, and it had been necessary to confine a man in solitary confinement, had you the means of doing it there?—We had when we were stationary, but I cannot see how it is possible to substitute anything for corporal punishment when the regiment is on the march—anything so effective.

2048. You think that punishment should be immediately inflicted in such cases?—Yes, I think summary punishment is necessary in many cases; for instance, violent conduct to a non-commissioned officer, and a direct disobedience of orders, where it is necessary for the sake of example to the other men.

2049. Have you ever known instances of that sort occur on a march that required immediate example?—Yes, I once saw that.

2050. Where?—It was on the march to Paris with a detachment I was with. We had halted at a village; a man loaded his piece, and shot a fowl; a court martial was assembled, and he was sentenced to and received fifty lashes, and to carry his knapsack.

2051. Had that an effect on the other men?—Yes; I have no doubt, if it had not been done, similar occurrences would have taken place frequently.

*A Serjeant of the Coldstream Guards.*

2052. Have you ever known men who have been punished recover their characters as soldiers, and become non-commissioned officers?—No; I do not remember an instance of that.

2053. As to the men themselves, does it appear to you that the punishment tends to harden a man, or rather to correct him?—I have seen many cases where it has not bettered the character of the men.

2054. Do the same men come over again to be punished frequently in the regiment?—Not of late years. When I first entered the Army it was generally the same men that were punished a second and a third time.

2055. Have you seen men who have been bettered by it?—Yes; I have a man in my company, who was punished about twelve months ago for very violent conduct in the guard-room, and that man has behaved better ever since.

2056. Have you known instances of men becoming good and orderly soldiers, for a length of time together, after they have been punished?—This man behaves very well.

2057. That is only a year ago; but do you know of any one who has been punished longer ago than that, who has become a good and orderly soldier, and continued so for a considerable time?—I cannot recollect any instance of that kind.

2058. Generally the men who have been punished have been ill-conditioned men?—They are generally bad characters.

2059. Some of the men have subjected themselves, by great insubordination, to stoppage of pay, have they not?—They used to do; they do not now.

2060. How long has that been left off?—I think a twelvemonth; but I am not quite confident as to the time.

2061. What effect had that punishment upon the soldiers?—I did not see any difference. I do not think that would prevent their being absent. It was generally for absence that the pay was stopped.

2062. Suppose a man, every time he was drunk, was fined—that the commanding officer had the power of fining him summarily—do you think that would tend to diminish the crime of drunkenness?—I think that would be a very good thing. The restraining of drunkenness is that which is required in the Army, for most of the crimes arise from drunkenness. A man that gets drunk, if he can afford to get drunk, can afford to lose his pay, I should think.

2063. Are there many men in your regiment that wear the Waterloo medal?—Very few now; I have only one in my company.

2064. Are those men who wear that very proud of it?—Yes, very much so.

2065. Suppose there was an order of merit to be given for a certain length of good and proper soldier-like service, do you think that would be a means of inducing the men to behave better?—I should think it would be a very great inducement.

2066. Do you think that, if a court martial should direct them to be stripped of that decoration, that would have a great effect upon them as a punishment?—I think it would as a disgrace.

2067. Do the soldiers in your regiment in general appear to wish for their discharge?—No, not now, without completing their full period. The greater part, if not all, would, I think, wish to come back again even if the regiment was disbanded.

2068. They are, in general, very comfortable and well off in the regiment?—Yes, very comfortable indeed.

2069. It does not appear to you that the being liable to be punished corporally weighs much with them?—I think not; I never heard them speak much of it.

2070. What trade were you before you enlisted?—My friends kept a market garden.

2071. You have not served your twenty-one years?—No, I want two years of it.

2072. Do you think that if proper means could be adopted for the solitary confinement of soldiers in their quarters, that is, in military cells, that would have a better effect upon the soldiers than the punishment by the lash?—If the man was tried for a crime of some magnitude he would be ordered a confinement of some months; then his service would be lost for that time.

2073. Do you think the effect would be more salutary on the man himself, or the other soldiers, than the punishment of flogging?—I do not think it would; I think the corporal punishment would have more effect.

2074. Both upon the other soldiers and himself?—I think so.

2075. You enlisted just after the termination of the war; have not you, since that, got rid of a great number of bad characters?—Yes.

2076. Would not that be one cause for the diminution of punishment?—I should think so. A great number of bad characters were sent away about 1820 and 1821, after the Army of Occupation came home.

2077. On account of character, and also size?—Yes, some on account of size.

2078. Supposing that, when a commanding officer found an incorrigible man in his regiment, by the sentence of a court martial he might be discharged, being first of all branded with a letter upon some part of his body, do you think that would tend to improve the discipline of the regiment, or would it induce the men to commit offences in order to obtain their discharge?—I do not think that would cause them to commit offences in order to obtain their discharge now. I do not think the men have a desire to be discharged generally now; they are very comfortable.

2079. If you could, by that means, get rid of the incorrigible blackguards in the regiment, would it not be more easy to maintain the discipline of the regiment?—A great deal. I should like very much, myself, to get rid of those incorrigible men.

2080. They are confined to a very few in the company?—Yes.

*A Serjeant of the Coldstream Guards.*

2081. Are they very particular in your regiment in regard to recruiting?—Very particular indeed; the parties have very strict instructions.

2082. You enlist no man without a character?—No; and he must be known in the place.

2083. Have you ever been on the recruiting service yourself?—Yes, for ten months.

2084. Supposing the men were enlisted for a limited time, instead of for life, say seven years, do you think that would have any effect in bringing a better description of men into the Army?—No; I think, after a man has been six or seven years in the Army, particularly when the state of the country is so bad for labouring people, he wishes to remain for the sake of the pension.

2085. Would a man more readily enlist for seven years than for life?—Yes, I think a young man naturally would, not knowing the state of life he was going into; but there are very few men who look at all to future consequences when they enlist for a soldier.

2086. Do you think that, if enlistment were for seven years, you would obtain a better sort of person, and that he would be more likely to continue than retire after that time?—I do.

[*The witness withdrew.*]

*A Corporal of the Coldstream Guards* examined as follows:

*A Corporal of the Coldstream Guards.*

2087. What part of the country do you come from?—I am a Scotchman, from Forfarshire.

2088. From what part of Forfarshire?—Arbroath.

2089. How long have you been in the Coldstream?—I have been eight years and ten months the 26th of this month.

2090. Were you a weaver by trade?—Yes.

2091. How old are you?—Twenty-eight.

2092. You never served before in any other regiment?—No.

2093. How came you to enlist in the Coldstream?—In consequence of the bad trade; I was out of employ altogether.

2094. How long have you been a corporal?—I have been doing corporal's duty for two years, September last.

2095. When first you enlisted were corporal punishments more frequent than they are now?—Yes.

2096. Were they much more frequent?—Yes.

2097. How long is it since the frequency of corporal punishments was diminished?—Since we left Dublin. There were more in Dublin than there are now.

2098. When was that?—We came home in 1830.

2099. Was there a great deal of drunkenness in the regiment in Dublin?—A good deal.

2100. Was that the reason that the men got into scrapes?—Yes; and breaking out of barracks after roll-call.

2101. When a man broke out of barracks after roll-call, he was not punished by sentence of court martial the first time, was he?—No; that would depend a good deal upon the man's character.

2102. But, generally, other punishments were tried before he was tried by a court martial?—Yes, always.

2103. Were any of them ever sentenced to solitary confinement for that offence by court martial, or ordered into confinement by the commanding officer?—Yes; several were sent to the Provost Gaol there.

2104. When they were there, did they work on the tread-mill, or do any hard labour?—They broke stones.

2105. When they came out again had it the effect of preventing their committing that offence again?—Some men were no sooner out than they were in trouble again; several of them.

2106. There were some men who were punished at the halberds for this?—Yes.

2107. How did that punishment operate upon those men? did they commit the same offence very soon afterwards, or were they deterred from it?—There were very few.

2108. What effect do you think that had upon them? did it deter them from committing that offence?—Yes, it did certainly.

2109. More so than when they were confined to hard labour in the Provost Gaol?—Yes.

2110. Since corporal punishments have been less frequent, do you think the discipline of the regiment is better and more easily enforced than it was before, or otherwise?—Much about the same, I think.

2111. When the men are sentenced to confinement with hard labour, they are sent to Coldbath-fields or Brixton?—Generally Coldbath-fields.

2112. What sort of an account do the men who have been in Coldbath-fields give of it?—A very shocking account.

2113. In what respect?—Bad.

2114. Do you mean bad as to treatment and food?—Yes.

2115. Do they come out a great deal worse than they went in?—Yes, a great deal. We should not know them to be the same men.

2116. Are they reformed in their habits?—Some of them are; but when we were in the Tower there were men who went in regularly again in a week after they had been out, or in a very short period.

2117. Do you think that punishment has as much effect upon them as the punishment at the halberds?—I should think more.

2118. You have stated that they commit the offence speedily again after being confined; do they repeat the offence as soon after corporal punishment?—Some men do. When we were in Dublin there was a man whipped three times in eight months, and several of them twice

*A Corporal of the Coldstream Guards.*

during the time we were there. But others would be whipped, and turn out good soldiers after that. A great deal depends upon whether they consider themselves brave soldiers by committing offences.

2119. They consider it a lark?—Yes, some of them do.

2120. You mean to say that you think confinement, as it is practised at Coldbath-fields, is a more effectual punishment than a whipping at the halberds?—Yes, I do.

2121. When a man has been punished at the halberds for insubordination, or any military offence, do the other men shun his company?—No.

2122. They do not consider him disgraced by the punishment?—No.

2123. Supposing he commits a disgraceful offence, like stealing, do they shun his society?—Yes.

2124. It is the offence which makes them shun the man, not the punishment?—Just so.

2125. Do the soldiers in general feel that the punishment at the halberds is a degrading punishment to them?—Yes, every man feels that.

2126. Do they feel that it is a degrading punishment to the man himself, or to the profession to which they belong?—They consider it more for themselves.

2127. Have you ever seen any instances of insubordination when the regiment has been on the march that have required immediate punishment?—No.

2128. Of course you have never been on actual service?—No, never any further than Ireland.

2129. Do you think the men in general in your regiment wish for their discharge?—No.

2130. Taking yourself, should you, if your discharge were offered you, like to accept it?—No.

2131. You would rather serve your one-and twenty years?—Yes.

2132. You look forward to the service of one-and-twenty years, and to the getting a pension at the end of that time?—Yes.

2133. Do you think that is the general feeling of the men in the regiment?—Yes, I think it is.

2134. You look upon yourself to be better off than if you were discharged?—Yes, I consider myself as better off than I should be if I were discharged.

2135. When you enlisted you knew you made yourself liable to corporal punishment, to be whipped?—Yes, I was aware of that.

2136. Had that circumstance no weight with you at the time you enlisted?—No.

2137. You did not take it into your calculation?—No.

2138. You, perhaps, thought you could conduct yourself so well as to avoid it?—Yes, I had that opinion of myself.

2139. Do you think the men in general, at the time of their enlistment, take into their consideration the circumstance of their being liable to be whipped when they become soldiers?—I never heard, and can give no opinion upon it.

2140. Do you know of any instance yourself of its preventing any body, either in your own rank of life, or any other, entering the Army—any friend of yours?—No, I do not think I do.

2141. Did you ever hear any of your comrades say that they knew persons who had not enlisted because they were afraid of being liable to that punishment?—No, never.

2142. When a man is drunk, what do you do with him in your regiment?—Confine him immediately in the guard-room.

2143. Is he further punished for it afterwards?—Yes, he is *billed-up* in the barracks, and sent to drill twice a-day.

2144. Supposing the commanding officer had the power to fine a man, when he was drunk, a certain sum out of his pay (half-a-crown, for instance), do you think that would have an effect in preventing their getting drunk?—Yes, I think that would more than the *billing-up*.

2145. You think it would have more effect than punishing them afterwards?—Yes, I think it would.

2146. When they have been repeatedly drunk they are brought to a court martial?—In case they are insubordinate.

2147. Only in cases of insubordination?—At one time they punished them by taking away their beer-money, a penny a day, but there have been no cases of that lately.

2148. How did that answer?—It had very little effect.

2149. Have you any men in the regiment that wear the Waterloo medal?—Very few now.

2150. Are they very proud of it?—Yes, generally.

2151. Are they looked up to by the other men?—Yes, generally they are.

2152. Are they generally well-behaved men?—Yes, the few that are left are very good soldiers.

2153. Do you think it would be a very great punishment to those men to be stripped of their medal in the front of the regiment?—Yes.

2154. Supposing there were some distinction of that sort given to men for a certain length of good service in the regiment, do you think that would have the effect of making them behave better?—I should think it would.

2155. Do you think that depriving them of that, after they had once obtained it, would be a great punishment?—I think it would.

2156. Should you yourself be proud to wear such a distinction?—I should indeed.

2157. When a man is sentenced to be confined, either in solitary confinement, or in a cell in barracks, the sentence is always read at the head of the regiment, and the man is marched off by the serjeant?—Yes, the same day.

2158. Do you think that has the same effect upon the other soldiers as tying him up, and punishing him at the halberds?—No, it has not so much effect by way of example.

*A Corporal of the Coldstream Guards.*

2159. Why do you conceive it has not so much effect by way of example?—I speak by my own feelings, and when I see a man punished I see the effect it has.

2160. Do you think there is any very strong feeling amongst the men against corporal punishment?—Yes.

2161. Do you conceive that they consider that degrading to the service?—The men generally do so.

2162. Has that feeling been created of late years, or did it always exist since you enlisted into the regiment?—It has been a great deal more thought of during the last few years than it was at first.

2163. Do you suppose that is in consequence of its having been talked of in parliament and elsewhere?—Yes, I think it is.

2164. Do you think it is possible to maintain the discipline of the Army without the power of whipping on certain occasions?—Yes, I think it is.

2165. Do you think that by solitary confinement and imprisonment it would be possible?—Yes, and hard labour.

2166. And loss of pay?—Yes, and loss of pay.

2167. Do you think that means might be devised of dispensing with corporal punishment in the Army?—Yes, I think it might.

2168. Without detriment to the service?—Yes, I think so.

2169. You speak of the Army on home service in time of peace?—Yes.

2170. And you speak only of the Guards?—That is all.

2171. The Guards never serve anywhere but in London and Dublin, and Windsor?—That is all.

2172. You consider yourself much better off than the regiments of the line?—Yes, in some respects I do; we have more duty to do than the regiments of the line.

2173. You have better pay and more comfortable quarters?—Yes.

2174. And never go to the Colonies?—No, that is the advantage we have.

2175. What you mean to say is, that you do not say anything about the rest of the Army, but speak as to your own regiment?—Just so.

2176. The corporal punishments being now so much less frequent than they were before, are they much better satisfied with this state of things than they were when punishments were more frequent?—Yes, they are.

2177. Do they feel a conviction that when a man is punished at the halberds it is for an offence that deserves it?—Yes, generally; I may indeed say always.

2178. Has the respect of the men for the non-commissioned officers increased or diminished since corporal punishment has been restricted of late years?—It has been increased I think; the general feeling of the men towards the non-commissioned officers is more respectful than it was formerly.

2179. Do you think that, if there were no power of inflicting corporal punishment, the private soldiers would obey you as willingly and as cheerfully as they do now?—No, I should think they would not.

[*The witness withdrew.*]

*Private D. E., of the Coldstream Guards,* was examined as follows:

*Private D.E., of the Coldstream Guards.*

2180. What countryman are you?—Shropshire.

2181. How long have you been in the regiment?—Twenty years next October.

2182. Had you ever been in the service before?—No.

2183. What age are you now?—I am now about forty-two.

2184. What trade were you before you enlisted?—A farming labourer.

2185. Were you in France with the Army of Occupation?—No, it was just after when I joined in the year 1815.

2186. How came you to enlist?—I do not know; nothing particular.

2187. You had a fancy to be a soldier?—More that than anything else.

2188. When you enlisted you knew you were liable to be flogged if you behaved yourself ill?—Of course I did; a man is aware of those things; but I was not quite so much aware of it then as I am now.

2189. You took that into your consideration when you enlisted?—Yes.

2190. Did you expect to avoid it if you behaved well?—Yes, I very soon found out those things when I came to the regiment; I was not long finding out that.

2191. But you did not take much into your consideration whether you were likely to be punished?—No, we do not consider that much at our young age.

2192. Do you think that the men generally take it into consideration?—What can a country lad know of these things? The place I came from is a place called the Wrekin, in Shropshire, a wild wilderness of a place, where they know nothing but just what they are told, and cannot tell a *B* from a bull's foot. They know how to hop over the clods, and never think of those things. A recruiting serjeant goes there, and he does not tell them; I should not myself if I were sent on that duty.

2193. Since you have enlisted, are you very anxious to get your discharge?—No, I should not like to get it just now.

2194. Has there been any time since you were enlisted when you were very anxious to be discharged?—No; I have been very comfortable when I was a single man. I am a married man now.

2195. Still you do not press for your discharge?—No; I should wish to make up a little longer time.

*Private D. E., of the Coldstream Guards.*

2196. Supposing you were discharged, do you think you could turn to labour again?—I do not think I am so much fit for labouring now as I have been.

2197. Do you think the men in the regiment are anxious for their discharge?—Some men are who have friends well to do, or men who have been of good trades. Supposing I was a shoemaker; certainly a shoemaker in London can sit under any public-house window and get his living: so can a tailor, or a carpenter, or joiner—he can do better; but for a labouring man it would be but a bad speculation to get his discharge.

2198. You think the men who do wish for their discharge would do it because they think they can better themselves out of the Army?—Yes.

2199. Do you think that the knowledge of being liable to be punished corporally makes any man wish to be discharged?—No; I do not think it would, because each man knows the crimes that subject him to punishment, and he feels desirous of avoiding them. If a man goes on the tilt-yard guard, and gets beastly drunk and offends, what can you expect? If there were no laws there would be no ruling the men.

2200. There has not been so much flogging in your regiment of late years as formerly?—No; it is almost a mystery to see a man flogged now.

2201. What punishments are used in the regiment now instead of flogging?—What he gets thirty days' hard labour or twenty days' solitary confinement for, he would have got three hundred lashes for formerly.

2202. Do you think that the men are better or worse behaved since corporal punishments have been less frequent than they were before?—It is according to the temper of the men. Some will go and commit crimes, and will be *billed-up*, and perhaps get fourteen days *billed-up* in barracks, but I have seen the same things get three hundred lashes formerly.

2203. Do you think the punishments they have now are as effectual to prevent the crimes as corporal punishment used to be?—I am sure they are more so, for there are not the crimes committed that there used to be formerly.

2204. Almost all the crimes come from drunkenness?—Certainly; that is the ruination of everything.

2205. Is drunkenness more or less frequent in the regiment than it used to be?—I think it is less: I think that it is not near so much as it used to be. I have seen some years ago five or six men drunk when for guard in the morning; now we do not see a man drunk on duty once in six months.

2206. Generally speaking is the character of the men in the regiment a better one than it was when you first went into it?—When first I went into the regiment there were notorious characters in it of all descriptions.

2207. It was then upon the war establishment?—Yes; at that time I used to hear of the most dreadful crimes going on, sixteen, or seventeen, or eighteen years ago.

2208. Taking your account of the regiment at that time, do you think it would have been possible to have done without corporal punishment?—I hardly think it would. There were all kinds of insubordinate conduct; everything that was bad we heard of and saw in the regiment.

2209. So long as the men were of that description, at that time corporal punishment was in your opinion necessary?—Yes. I recollect two or three of our men robbing a large shop in Pall-mall, a linen-draper's shop, when they were on the King's guard.

2210. Supposing there was no power upon any occasion, and for any crime whatever, to inflict corporal punishment, do you think the discipline of the regiment could be kept up?—If it was entirely abolished, altogether, totally done away with, probably soldiers would be taking more liberty than they actually do at the present time. They are well aware that they can be subjected to the lash now; but a man would say, "Oh, I am aware they cannot whip me; I can only be sent to prison."

2211. What is the feeling in general among the men in respect to corporal punishment: are they much averse to it?—Some of the men will not have a report against them for years; I have never myself had a report against me for years: when there was it was through drunkenness I had it. I have seen the time when, for the crime I committed, which was abusing a serjeant of the Scots Fusilier Guards, I should have got three hundred lashes; but I got *billed-up* in the barracks. At the time, had the lash been more in force, I should not have committed that crime probably.

2212. When a man has been punished, do the other soldiers shun his company?—It is according to the character of the man. I am well aware that a man who has been punished is not a good-character man, or he would not come to that.

2213. Do they shun him on account of his being punished?—No; it is according to the crime that he is punished for.

2214. Do the men in general conceive that being liable to be punished corporally is a degradation to the Army itself?—Certainly; of course being punished is a disgraceful thing, and any man will prevent it if he can.

2215. When a man is sentenced by a court martial to be confined, either solitarily, or in gaol with hard labour, and his sentence is read at the head of the regiment, has that as much effect as an example upon the other men as a flogging?—I should hardly think it had; because he would say, "Thirty days is but a trifle;" but if a man is tried by a court martial, and gets three or four months, it is a dreadful punishment, and must be, if we see the state a man is in after he comes from the tormenting wheel. He is not good for anything for a twelvemonth again; that must take him more away from duty than corporal punishment.

2216. The punishment is worse in Coldbath-fields than in Brixton, is it not?—By the character I have heard among my comrades, it is the worst, though I was never there myself. One will say to another, "Brixton is nothing to Coldbath-fields."

*Private D.E., of the Coldstream Guards.*

2217. Has that species of punishment had a better effect upon them than the flogging?—Of course it has. I would sooner myself be tied up and take three hundred lashes than go for three months to Coldbath-fields. It stands to reason that it should be so: we are aware that a man will get over a flogging in a great deal shorter time.

2218. Do you take into your consideration the degradation it is to a man to be punished at the halberds?—The degradation is more, but the punishment is not so much.

2219. Notwithstanding that degradation, you would prefer taking the three hundred lashes to being confined in Coldbath-fields for three months?—Yes.

2220. Have you any men in the regiment who wear the Waterloo medal?—There are a few left now; there were a good many.

2221. Are they very proud of that medal?—Yes; some would go and pawn, and make away with it, but the greater number of them were very proud of it.

2222. Supposing those men had been sentenced to be stripped of their medal in the front of the regiment, would that be a great punishment to them?—A greater punishment than five hundred lashes. I should consider it so myself. There are some in the regiment, I am sure, that would sooner take five hundred lashes than part with their medal.

2223. Supposing some distinction of that kind were given to the men who had served a certain number of years, with good conduct, would that be prized by the men?—Yes; if I had a medal of that kind given to me as a reward for good conduct, can any man suppose I should not dote upon it? It would be a great inducement to many men to good conduct. If a man had been twelve, fourteen, or eighteen years in the regiment, without being tried by a court martial, some badge of distinction would be a very great prize.

2224. If a court martial had the power of stripping a man of that distinction, do you think that would have a great effect as a punishment?—I think it would have a very great effect to have his medal taken off his breast in the front of the regiment.

2225. Supposing the commanding officer had the power of fining a man for being drunk, say half-a-crown, do you think that would have an effect in stopping drunkenness?—Very trifling. Suppose a man had been absent two or three days, if the commanding officer says, "I will fine you five shillings or half-a-crown," then he can hardly give him a punishment, such as *billing-up* in barracks, too. "Well," says the man, "what do I care? I can soon raise that." I am sure that is so. Of course I would sooner be fined half-a-crown than *billed-up* in barracks a month.

2226. Suppose he had the power of fining and *billing-up* too?—That would be a great punishment, but I thought of his being only empowered to do one.

2227. Would the fear of that fine prevent persons getting drunk?—Why, indeed, I do not think it would.

2228. It would deprive the man of the means of getting drunk for a short time?—Yes; but he would soon muster that again.

2229. Were you ever a non-commissioned officer?—No, I never was.

2230. Can you read and write?—I can read and write, but very trifling.

[*The witness withdrew.*]

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*Friday, 8th May,* 1835.

The Right Hon. Lord WHARNCLIFFE in the Chair.

*Colonel Sir L. Greenwell.*

Colonel Sir *Leonard Greenwell* was examined as follows:

2231. You are in command of the depôt at Chatham?—I am in command of the garrison and depôt at Chatham.

2232. How long have you been in that command?—Four years.

2233. Previous to that did you command a regiment?—I did; the 45th.

2234. For how long?—I commenced the command of that regiment in 1810, during the war in the Peninsula, and, intermediately and permanently, I commanded it till 1827.

2235. Was that the first regiment in the service you commanded?—Yes, and that is the only regiment I have ever served in.

2236. The depôt at Chatham consists of recruits for different regiments in the King's service, and the East India Company's also?—The East India Company's also.

2237. Cavalry and infantry?—No, not cavalry; artillery as well as infantry.

2238. The cavalry depôt is at Maidstone?—It is.

2239. You have, of course, persons from every part of Great Britain and Ireland, and of all classes, under your command?—I have.

2240. Are those men generally recruits, or are there any old soldiers amongst them?—The persons alluded to are chiefly recruits, but I have old soldiers also in the garrison, the 28th regiment, and the depôts of the 61st and 9th regiments at present.

2241. When the recruits arrive at Chatham are they put under the charge of the non-commissioned officers of those old regiments?—No, unless the recruits belong to those particular corps. There are a certain number of officers and non-commissioned officers, forming the establishment of the depôt of each regiment in India, and the whole of such depôts are consolidated into a provisional battalion, under the command of a field-officer, which is conducted precisely upon the same principles as a regiment. The depôts may be viewed as so many companies, to which the recruits, as they join, are respectively attached.

2242. When the recruits are sent up to you from the recruiting parties do you, or does any officer, exercise any judgment as to receiving or rejecting the recruits?—The immediate com-

*Colonel Sir L. Greenwell.*

manding officer approves of the recruits as they arrive from the districts, but he has not the power finally to reject them. In the event of his deeming any recruit objectionable, the case is in the first instance referred to me as commandant, and if I concur in opinion on the objection it is then submitted for decision to the general commanding in chief.

2243. In rejecting them does he take into consideration their previous character or habits?—When recruits offer for enlistment at the head-quarters of a regiment or depôt the commanding officer would not receive them if he knew they were of indifferent character; but with respect to recruits sent in from the districts I do not think that that point is much attended to, it being then considered too late to cause rejection, except in instances of notorious character.

2244. You consider only their physical appearance?—Their appearance only.

2245. Having this great mixture of men, both old soldiers and recruits, and men of all descriptions, do you find it very difficult to preserve strict discipline among them?—No; very young soldiers do not begin to be troublesome, at least for the first two months, or about that period.

2246. In point of fact they do not begin to be troublesome till they have gone through the severer part of their instructions?—Just so; there are deviations of course.

2247. Have you frequent occasion for corporal punishment among those men?—It has not been resorted to, except in very rare instances, during the four years I have been in command, and then only with the approbation of the commander-in-chief.

2248. For what rare offences have those instances of punishment of which you speak taken place?—Extreme insubordination.

2249. When you have not had recourse to a court martial, which has sentenced the individuals to that punishment, what other punishment has been substituted in its room?—Imprisonment chiefly.

2250. Imprisonment of what description?—Solitary, or the tread-mill at Maidstone gaol.

2251. When you speak of solitary, do you mean solitary within barracks?—No, within the gaol. We have cells within the barracks at Chatham also.

2252. Are those cells effectual for excluding the prisoner from all communication with others?—No, I do not think they are; the confinement in them cannot strictly be called solitary, because, from the precautions used, the prisoner is visited daily by the medical and orderly officers, and is also walked out for an hour for exercise.

2253. While they are in their cells is it possible for them to have communication with any other individual?—It is not.

2254. How many cells have you in Chatham barracks?—I should think, altogether, there may be sixteen.

2255. How many men have you under your command in the barracks?—At this moment, including the marines, I have about four thousand.

2256. Do you find that the sixteen cells of which you have spoken are a sufficient number for the purposes for which they are required in proportion to that number of men?—No, I do not; for the greater proportion of the prisoners go to Maidstone: the cells in the barracks are used for the shorter periods of confinement.

2257. Supposing that you were to confine the persons now sent to Maidstone gaol in solitary confinement within the barracks, how many cells do you conceive would be sufficient for that number of men of which you speak?—I do not know that I could give a confident opinion: I should think there ought to be at least thirty, or perhaps forty.

2258. In the cases of those persons that are sent to Maidstone gaol, is the confinement so inflicted effectual in maintaining the discipline and correcting the individuals who are sent there?—I have visited the gaol frequently, and I do not consider the confinement fully to produce the desired effect; and, in many instances, when there has not been room on the tread-wheel for all the civil prisoners, the military offenders have thus escaped that,—the chief part of the sentence awarded.

2259. In that case do they employ the military in any other description of hard labour?—No; I do not know that they do.

2260. So that the hard labour in Maidstone gaol is not of a very severe nature?—As far as the tread-mill goes it is.

2261. When they come out of gaol do they appear to have suffered by their imprisonment?—Judging from their bodily appearance, I should say not. I have observed it in some; but, speaking generally, it is not the case.

2262. With respect to their own habits, do you find that the effect of punishment is to correct those habits?—Since I got the direction to attend this Commission I was looking into the punishments for one twelvemonth, and I find there have been 216 men sent to Maidstone gaol by my committal, 117 of whom have been sent back a second time within the year; and, during that period, the average strength of the garrison was 2,100 men of the line, not including the marines. I have, virtually, the command of them also, but they discipline their own men by communication with the Admiralty.

2263. With respect to the example on the other soldiers, do you find the sending the men off to be confined in Maidstone gaol has the effect of deterring others from crime, by way of example?—I do not.

2264. In cases of corporal punishment, when inflicted at Chatham, do you conceive that those punishments have had more effect in the way of example?—I do think so; because, on the occasion of the very last corporal punishment we had there, now some time ago, there were a great number of recruits present to witness it, and I dare say as many as twenty-five or thirty of them fell out of the ranks, and some actually fainted, though the punishment was extremely slight—the man received only 100 lashes.

2265. Do you conceive that was produced by disgust at the punishment?—No; but more from the formal ceremony of the parade on such occasion.

2266. You think the effect of it, by way of example, would probably be great?—Yes.

2267. Do you consider that to be a feeling of humanity in the soldier who witnesses it?—I conceive it arises from the ceremony I have before stated, and also from the recruit being unaccustomed to such scenes; I think it has the effect of deterring him from subjecting himself to similar punishment.

2268. Of an equal number of men, such as you have mentioned as having been sent to Maidstone gaol, and of those who have been corporally punished, have a greater or less proportion subjected themselves again to punishments of that description on their return to duty?—I am inclined to think that there has been a larger proportion of the former.

2269. Have you any means of knowing how a soldier, who has once been tied up at the halberds, has been looked upon by his comrades afterwards?—As far as my experience goes, and I have been a regimental officer all my life, I do not believe that amongst themselves they think it a matter of disgrace.

2270. The soldier is not degraded in the eyes of his companions by it?—I do not think he is.

2271. Suppose he commits a disgraceful offence, such as thieving, and he is punished for that, is that a degradation in the eyes of the soldiers?—Yes.

2272. Do they avoid his society as a man disgraced for that crime?—No; I am sorry to say they do not view it so much in that light as could be wished; a really good man will of course do so.

2273. You have no means of knowing whether the feeling that the punishment of flogging is a degradation to the service, is gaining ground among the men?—No, I have not. I have no means of knowing that they consider it a greater degradation than they did formerly.

2274. You have been on service in face of the enemy?—I have.

2275. Do you conceive that it would be possible to do away entirely with corporal punishment with an Army in the field?—I do not, certainly.

2276. You have also been in the Colonies?—I have been in Ceylon, and the Cape of Good Hope, and South America.

2277. In those places, do you conceive it would be possible, by a system of punishment by imprisonment, either with or without hard labour, or solitary confinement, to maintain the discipline of the regiment, without the power of inflicting corporal punishment?—I think that the discipline must, in such a case, fall considerably. Probably we might hold the regiment together; but it would not be what we consider in a proper state of discipline, without corporal punishment hanging over them; and I am afraid it would occasionally be found necessary to inflict it.

2278. Is your opinion the same with respect to the troops quartered in Great Britain and Ireland?—Yes; I am of opinion, that the men being liable to corporal punishment prevents their going to that extent of insubordination which I am afraid they would do very soon, if they knew they were not subject to it.

2279. Are the Commissioners to collect that it is your opinion that the punishment should be resorted to as seldom as possible, but still the right of inflicting it should be in the hands of the governing power?—I am decidedly of that opinion.

2280. When those men have been confined in Maidstone gaol, have you found that their associating with the criminals whom they found in that gaol, had any effect upon their morals?—I cannot speak immediately to that point, which is more in the knowledge of the officers commanding the corps than myself: I do not see so much of the individuals as they do. My information, as far as it goes, is chiefly founded upon their representations.

2281. Have any representations of that kind reached you?—It has been represented to me that they do not consider confinement in gaol is beneficial. They have said, "I do not think the men care about it."

2282. You never heard complaints of the men's characters being very much hurt by associating with blackguards of that description in the gaols?—No; that circumstance has not been brought to my attention; but I have frequently been told that a man was worse than when he went there.

2283. Do you communicate at all with the recruits who are brought to the depôt, and inquire where they are brought from?—They are sometimes brought to me in doubtful cases of approval, and, on those occasions, I do; and they are frequently brought before me for offences, and then I inquire somewhat into their history.

2284. Generally speaking, what class of men are those recruits?—If they come from manufacturing districts, they are generally mechanics; but there is a large proportion of country labourers.

2285. Do you ever find persons in rather the better condition of life coming as recruits?—Very rarely.

2286. Do you ever ask those men what has induced them to enlist?—Not often.

2287. In such cases, where you have done so, what has been the general cause of their enlistment?—I think, in general, that they were induced to enlist from want of work.

2288. Sometimes that they have got into scrapes, perhaps?—Yes, that is frequently the case, no doubt.

2289. There is one entire regiment under your command?—Nearly an entire regiment.

2290. Have you ever considered how far it might be desirable to establish an order of merit among the men of a regiment, as an inducement to good behaviour?—Among the non-commissioned officers, I have.

2291. What is your notion upon that subject?—I think, that amongst the privates, the effect produced would not be material. It would no doubt, in some cases, be bene

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ficial, as pointing out those who were well-conducted. Some regiments, I believe, have practised it.

2292. Do you think if such an order were established the men would feel a pleasure in wearing it?—I think they would.

2293. Suppose a man who had received that order were directed to be stripped of it in case of misconduct, do you think that would operate as punishment?—I think for a time it might, but I do not think that the impression would be lasting among that class of persons.

2294. Do you consider it a punishment that would have an effect on the soldiers?—I think it would to a certain extent.

2295. Are the men who wear the Waterloo medal generally proud of that distinction?—Certainly; there are, however, very few Waterloo men remaining in the ranks. I have seen some men very proud of it.

2296. To those men, would it not have been a severe punishment to have stripped them of that medal?—I am sure it would; but I think they would more highly value such a medal than one given for general good conduct.

2297. Have you ever known a case where a court martial has deprived a man of his pay, or part of his pay?—Yes, for habitual drunkenness.

2298. Has that punishment a considerable effect on the soldiers?—It was not in force at the time I had the command of a regiment, but I have heard from all commanding officers that they consider it extremely beneficial. I have thought that perhaps the practice might be improved by the award of courts martial in such cases referring to *period* and not to *amount* of stoppage; that is, the soldier being in all cases placed for a certain period under the highest rate of stoppage, which the keeping up a complete and efficient kit of necessaries would permit, so that during the punishment not one farthing of money passes through the soldier's hands. This alteration would ensure the advantage to the service, in maintaining the equipment perfect without alleviating the punishment.

2299. The general cause of offences in the English Army is drunkenness?—It is.

2300. Supposing that the commanding officers of regiments had power to inflict a fine upon the soldier in cases of drunkenness, do you think that would have an effect in checking it?—I do not see how the soldier could afford to pay such fine, as the improvident character, the most likely to fall under the punishment, is with difficulty, and only by much care and attention on the part of his captain, maintained in complete equipment on his regular pay.

2301. Suppose if a man was drunk he was fined half-a-crown or five shillings, to be made up out of his pay for a considerable time, and that to be inflicted summarily by order of the commanding officer?—That is a large sum of money for a soldier to pay, and if it was repeated the necessaries could not be found.

2302. Could not they be found out of the surplus?—A man on full pay, I think, has about eight shillings a month; and then, out of that, he has to be supplied with whatever necessaries he may want.

2303. You think it would be difficult to supply him with necessaries and to fine him also?—Yes; if it could be done I think it would be an excellent plan.

2304. Do you think that there are any other advantages that might be held out to the soldier, such as civil privileges, voting for Members of Parliament, and so forth, that would be an inducement to a better class of persons to enter the Army?—No, I think those are not matters they think of. If soldiers do think of such things, their officers, if aware of it, would in general tell them they have nothing at all to do with such subjects.

2305. From your conversation with those recruits has it ever appeared to you that they take into consideration, before they enlist, the fact of their being liable to be flogged for misbehaviour after they enter the Army?—I think no man enlists without being aware of it. I think they are quite aware that they are liable to it.

2306. Have you ever heard of recruits expressing a strong feeling against being put under that law?—No, I never have.

2307. What do you consider the best description of recruits,—out of which class of life?—I should say the agricultural labourers.

2308. Do you consider those who are entirely destitute of education, or those that can read and write, the best description?—I think those that can read and write look forward to promotion more than they who cannot, and therefore they are more satisfied, as attaching more value to their prospects.

2309. Have you ever known instances of men who have been punished at the halberds afterwards rising to be non-commissioned officers?—Yes, and officers too.

2310. Do those circumstances arise frequently?—No, they do not.

2311. Have you known frequent instances of persons who have been punished at the halberds turning out good soldiers and trust-worthy men?—I have.

2312. In those cases their characters were not destroyed by the punishment they received?—No, certainly not. I particularly recollect an instance of a man in my own regiment who had not been punished; he was behaving extremely ill; I reasoned with him, that if his conduct continued the same I should be compelled to punish him. In the end I was compelled to do so; and when he was receiving his punishment he asked me to take him down; I replied that I would not, that he must have the extent of his sentence. He received it, and when taken down he turned to me and said, "Sir, you have cured me; you will never have reason to find fault with me as long as I am in the regiment;" and I never had. That was a young man of the name of Hill.

2313. You consider a young recruit better than a man of a certain age at entering the Army?—Yes, he gets more into the habit of the new life he has entered.

2314. Have you ever considered whether it would be an advantageous mode of recruiting

the Army to take very young persons before they are fit to enter the Army, to train them?—Yes, we are in the habit of doing so to a certain extent.

2315. Do you find any benefit from it?—Yes; I think they become habituated to the service, as it were by constitution.

2316. If that mode of recruiting the Army was extended, do you think it would be likely that you would get a better description of persons to enter the Army?—Indeed I should be inclined to have it tried to a certain extent if I had the power.

2317. Do you consider that the dispositions of persons would be more tractable at that period?—Yes.

2318. You would infuse them into the regiment, not merely have boys altogether?—Yes, I would not put them altogether, and compose a regiment of such.

2319. If there were an additional number of young men that were bred up to be soldiers, is it your opinion that it would be more or less necessary to keep the power of corporal punishment?—My opinion upon that subject is, that if there were good means of instruction in the regiment there would be less necessity for corporal punishment. If those boys were not instructed, but left to themselves, then it must be resorted to.

2320. Do you think there is not adequate instruction now in the regiments in the Army?—I think there is not. I have seen now and then what I call an efficient schoolmaster; but I think, in general, they are not so. They are frequently worn-out non-commissioned officers, and, I should say, barely capable of teaching the children of the regiment (literally children) to read, perhaps imperfectly.

2321. Do you think that system might be beneficially improved?—I think so. An increase to the allowance for the schoolmaster would be likely to induce persons fully competent to enlist, specially to fill the situation of schoolmaster.

2322. In case there was an improvement in the education in the different regiments, do you think you should be able to get a better description of recruits to enter the Army?—I doubt it.

2323. Do you think young men of decent parents would be more likely to enter, in consequence of their being better instructed after they entered the Army?—I doubt whether that advantage would be taken into consideration previous to enlistment.

2324. Do you think it would have an effect upon their parents in allowing them to enlist into the army?—No, I do not think it would be taken into consideration, generally speaking.

2325. With respect to the men in the East India service, are those recruits of a superior description of men to the common recruits of the Army?—I think they are. They are stouter men, generally.

2326. Are they superior in respect of situation in life?—Yes; many of them are broken-down gentlemen.

2327. To what do you attribute the circumstance of the superiority of the class of men that enlist in the East India Company's service?—In the first place they have more pay than if they enlisted into the line; and, in the next place, they go to a country they know little of, and they fancy they are to make their fortune there.

2328. Are those men, while under your command, better behaved, and more amenable to discipline than the common recruits?—The commanding officer of that depôt has made good arrangements, and his non-commissioned officers are so well acquainted with the management which suits the recruits, that I think they are better. They have not much to do, of course.

2329. Are there instances of corporal punishment among those men?—Yes; the very last corporal punishment that I attended was on one of those men. He was extremely violent. It turned out that he had been a deserter from the guards.

2330. He was not a man of the superior class of which you have been speaking?—No.

2331. Have you known any man of the superior class you spoke of brought to the halberds?—No, I have not.

2332. Have you known instances of their being sent to Maidstone gaol?—I do not mean to say that they are all of that description: many are sent to Maidstone gaol, chiefly for desertion.

2333. Are those men as much addicted to liquor as the common recruits?—Not so much. They read: they have a library of their own, and many amuse themselves in that way.

2334. They have a library belonging to the depôt?—Yes.

2335. Are they allowed to take books out?—They go to the library, and read, particularly the non-commissioned officers: unless the privates are very well-conducted men, they are not allowed to go there.

2336. It is a privilege given to the well-behaved men?—Yes.

2337. They have no old soldiers there, except the non-commissioned officers?—No.

2338. With respect to the common offences of soldiers, such as breaking out of barracks, and so on, do you find more cases of that kind among those men than among the common recruits?—No; much the reverse. I consider them much better than the others: and my chief reason for saying so is, that I receive fewer reports, which is the best sign in the world.

2339. You have expressed an opinion that the regimental schoolmasters are not sufficiently capable of discharging their duty;—is that opinion founded on your experience in your own regiment, or of regiments you have inspected or come into contact with?—It is from my own regiment I speak. I have found a difficulty in getting proper persons to fill the situation, and my opinion is likewise formed from the schoolmasters that I have seen occasionally in other corps.

2340. Are you aware that it is the duty of the general officer, when he inspects the

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regiment half-yearly to inquire into the efficiency of the schoolmaster, for the discharge of his duties, and to report to the commander-in-chief?—Yes; in my opinion upon the subject I may probably be deemed extravagant.

2341. Are you aware that it is the chaplain's duty also to visit the school frequently, to inquire into the capacity of the schoolmaster, and to report upon that subject?—Yes.

2342. When you speak of education how far do you think it would be necessary a soldier should be educated?—If there was an opportunity of doing it he should be taught to read and write perfectly, and the first four rules of arithmetic; beyond that I would not teach him; religious instruction of course to be included.

2343. Does the commanding officer appoint the schoolmaster himself?—He does; he gets the best person he can.

2344. Does he take him from the non-commissioned officers of the regiment?—From any class: he is enlisted, and called serjeant schoolmaster.

2345. If that man is incapable of his office is not the commanding officer at liberty to remove him?—Yes; but it is difficult to get another. If he takes him from the ranks he can put him back again. The commanding officer has permission from the commander-in-chief to appoint any person that he considers fit for it.

2346. Do you not think it would be an advantage to the service if the commanding officers had the power of discharging men whom they believed to be incorrigible?—I do.

2347. The retaining those men in the service, you are of opinion, is extremely detrimental to the discipline of the regiment?—Yes; for whatever measure the commanding officer adopts to correct such men, they still continue the same course, and induce others to follow their example.

2348. Do you think that would induce others in the regiment to misconduct themselves with a view to obtaining their discharge?—No, I think not, for they would have to go through such an ordeal that they would not like it.

2349. You do not think they should be discharged without being severely punished?—No.

2350. Or without being branded?—Just so; there should be every attempt made to reclaim them.

2351. There should be means of getting rid of the scoundrels in the regiment?—Yes.

2352. And when that is done it should be done in the face of the whole regiment, to make it as notorious as possible?—Yes; but I would not authorize the commanding officers so to discharge soldiers without reference to superior authority.

2353. Do you think that acts of violence and insubordination are more prevalent in the Army now than when corporal punishment was more resorted to?—Yes; I think there is not that implicit obedience to non-commissioned officers that there was, and this I attribute to the limited power now vested in commanding officers, to punish by their own authority for minor irregularities. Formerly we could confine a man for eight days; and now we can confine a man only forty-eight hours without recourse to courts martial. When a soldier is reported to the commanding officer for insubordination to non-commissioned officers, not of a very heinous nature, if he could at once subject him to a greater punishment than is at present at his command, much benefit would result.

2354. So as for the punishment to follow the offence more rapidly?—Yes, for it to follow *instanter*.

2355. There used to be formerly a greater facility in bringing men to court martial than there is now?—To a certain extent the commanding officer can now bring a man to regimental court martial, by his own authority, for minor offences.

2356. The number of those offences has been very much restricted?—Very much indeed, and they are classed.

2357. Do you think that restriction and classification has had a good or a bad effect?—I think it has proved very inconvenient in many instances.

2358. Supposing that the commanding officers had that power extended to them, as to the offences, still keeping a restriction as to the amount of punishment, do you think that would answer?—I think that would be an improvement.

2359. Upon the whole, you are decidedly of opinion, that it is necessary to maintain the power of administering corporal punishment, and, at the same time, that it is desirable to administer it as seldom as possible?—Yes, that is my opinion.

[*The witness withdrew.*]

*Mr. Thomas Agar* was examined as follows:

*Mr. Thomas Agar.*

2360. You are governor of Maidstone gaol?—I am.

2361. Previous to being governor of Maidstone gaol, had you served in the Army?—I had.

2362. In what regiment, and in what situation?—I was in the 22d Dragoons for some time; after that I was adjutant of a recruiting district, and from that, garrison quarter-master of the cavalry depôt.

2363. What were you in the 22d Dragoons?—I was to get the appointment of quarter-master, but I left it; I was a non-commissioned officer.

2364. Did you begin with being a private in that regiment?—No.

2365. Have you had a considerable number of soldiers committed to your custody at Maidstone gaol?—I have; I can give a return for the last seven years.

*Kent County Gaol, Maidstone.* *Mr. Thomas Agar.*

RETURN OF SOLDIERS COMMITTED BY SENTENCE OF COURTS MARTIAL.

| Years. | Number of Soldiers committed. | | | Remarks. |
|---|---|---|---|---|
| | To Hard Labour. | To Solitary Confinement. | Total. | |
| 1828 | 72 | . . | 72 | |
| 1829 | 78 | . . | 78 | |
| 1830 | 121 | . . | 121 | One for ten months. |
| 1831 | 117 | . . | 117 | One for two years; one for one year; two for transportation. |
| 1832 | 120 | 34 | 154 | One for two years; one for one year. |
| 1833 | 229 | 45 | 274 | Five for one year. |
| 1834 | 207 | 91 | 298 | One for three years; two for two years; one for one year; two for transportation. |

2366. Have those men who have been committed to your custody been from the regiments quartered in the county of Kent?—Some few have not been. I have had one sent from Birmingham.

2367. By what authority was the man sent from Birmingham to your gaol?—I believe the commanding officer of a regiment has the power to commit to any gaol.

2368. So that if they prefer your gaol to the gaol at Leicester, or any other place, they have the power of sending them there?—Yes; I had one of the guards sent from Windsor a short time since.

2369. When they are sentenced to your prison to hard labour, what is the labour at which they are occupied?—The treadmill always.

2370. Have you no other hard labour.—No.

2371. Has there been, at any time, so great a number of civil prisoners confined in the gaol, as to give you no room for the soldiers on the treadmill?—It has happened, and a report was made of it several times. This is a copy of a report, made in April last, to Mr. Hodges, one of the members for the county.

[*The same was delivered in, and read as follows:*]

"County gaol, Maidstone, 12th April, 1835.

"Sir,

"I have the honour to acknowledge the receipt of your letter, dated 10th instant, and enclose herewith a return of the number of soldiers committed to this prison under sentence of courts martial in each of the years 1832, 1833, and 1834.

"I beg to add, that the effect upon the rules and regulations of the prison, occasioned by the committal of so great a number of soldiers is, that the time and attention of the officers of the prison, which was intended and is indispensably necessary to be wholly applicable to the superintendence of the criminal prisoners, is in a great measure taken up in the management of those soldiers. The numbers in custody, at times, having been between 70 and 80, and the placing of them in separate sleeping cells interferes, in this respect, in the classification of the prison generally.

"I further beg to state that the prison is so constructed as, in my opinion, to make it impossible for the visiting justices to remedy the inconveniences attendant upon the commitment of so great a number of soldiers, the whole of the wards being appropriated for the several classes of criminal prisoners only in strict conformity to the Gaol Act.

"I enclose also, for your information, a copy of a report made by the visiting justices, a few days since, on the subject of the employment of prisoners, including soldiers, sentenced to hard labour, as affecting the classification and discipline of the prison.

"I have, &c.

"THOS. AGAR.

"*Thos. Law Hodges, Esq., M. P.*"

2372. In such case, when your treadmill is so occupied that you cannot put soldiers upon it, are the soldiers employed in any description of labour?—No; they are obliged to lie by altogether. The magistrates, some time since, made a rule that the whole of the male criminal prisoners should be employed in preference to any others, beginning with the felons, then the misdemeanants, then vagrants, then the soldiers, and lastly the women. So that, if there was not room, the women were taken off the wheel, and the soldiers occupied. At that wheel, there have been always some portion of them employed, but some portion remained unemployed. They were taken alternately; those who were off one day were put on the next.

2373. During the time they are not employed upon the treadmill, you having no other means of employing them, what becomes of the men?—They are placed in ward-rooms by themselves. We have always kept them separate, appropriating a ward or two as might be required, so that the soldiers have never mixed with other prisoners in their wards, or at their work.

*Mr. Thomas Agar.*

2374. When they are at work, have they no means of communication with the other prisoners on the tread-wheel?—No, the divisions of the wheel prevent it, and they are escorted to and from their work by themselves.

2375. There is a division in the wheel which keeps every man from his neighbour?—Yes.

2376. So that no contamination of the morals of soldiers, by communication, can take place in that prison?—No, except among themselves.

2377. What has been the conduct generally of the soldiers who have been confined?—They have been at times exceedingly troublesome: great numbers have left off work under pretence of illness, and many other such excuses. They have been at all times when they have left off from supposed illness, examined by the surgeon, and he has reported in his book, whether or not they ought to have left off work; and if he reported that they ought to have continued at work, they have been confined in the dark cell for three days.

2378. When you have had occasion to put those men into the dark cells, has that been sufficient to bring them into order again, and to induce them to work at the tread-wheel as before?—It has in most cases. We have sometimes been obliged to repeat that punishment over and over again on the same individuals.

2379. Have you had occasion to resort to other punishments?—Yes, we had in one instance, where eight or ten soldiers combined together, making a frivolous excuse of a certain description. It happened during the sessions. I reported the circumstance immediately to the visiting magistrates, and the ringleaders were discovered and flogged, two of them severely, by order of the magistrates.

2380. When you proceeded to inflict the punishment of flogging on those men, in what way was it done?—They were tied up in the usual way, as we tie up those sentenced to flogging by the courts. The magistrates directed the number of lashes to be inflicted upon them, and the order was executed immediately.

2381. In that case, how many lashes were inflicted?—Two dozen each.

2382. Were they inflicted by a cat like the soldier's cat?—Precisely. The turnkey who inflicts that punishment has been a drummer in the Kent militia.

2383. Is it as severe as the infliction of corporal punishment among soldiers?—I should say much more severe. I have been told that such is the case.

2384. Are the civil prisoners flogged with the same kind of cat?—Yes.

2385. What was the effect of punishment in that case?—It had a very great effect. Those soldiers have been extremely well behaved ever since. They acknowledged that they deserved it, and said that they were extremely sorry for it.

2386. It effectually checked that misconduct?—Yes; I have had very few to punish since. I have sixty-four in the prison: forty-eight for hard labour, and sixteen for solitary confinement.

2387. Was the effect such as to make it evident to you that that infliction of corporal punishment had a much greater power over the minds of those men than the confinement in solitary cells?—No doubt of it; the effect was immediate.

2388. You say that two ringleaders were punished out of how many?—Out of eight or nine. All the others were punished by imprisonment in the dark cell, two of them for twenty-one days each; but the men behaved so well, and expressed so much sorrow, and promised such good behaviour to the visiting magistrates when they went round, that they were released before that time.

2389. Was the corporal punishment inflicted in the sight of the whole of them?—No, privately.

2390. The other soldiers had not an opportunity of seeing the punishment of those two men?—No; they were taken up to the place were flogging is usually inflicted immediately, the instant the sentence was passed upon them.

2391. Do you never inflict the punishment of whipping in the presence of other prisoners?—The sentence is generally to be privately whipped, and it is so put into execution.

2392. Do you conceive, supposing the punishment to have been inflicted before the other prisoners who had been concerned in the transaction, it would have added to the effect upon them?—It might, but probably it might have had a contrary effect amongst so great a number of soldiers, in a gaol with so few officers to manage them.

2393. You think it might not have been safe?—Yes, that is what I think. There were between fifty and sixty all in one ward together. I do not think they would have presumed to have attempted anything, but such a thing might have occurred.

2394. With the force and means you had, it would have been difficult to have restrained them?—It might.

2395. The persons concerned in that cabal were aware that these ringleaders were punished?—Yes; they were called in, and their sentence was read to them by the visiting magistrates, and the whole particulars of it were immediately known throughout the prison.

2396. You, having been in the Army, do you think the imprisonment in gaol has as much effect upon the soldiers as the dread of corporal punishment?—Certainly not. I should say that the dread of corporal punishment is far greater than the dread of any imprisonment in gaol.

2397. Do you conceive that the effect of corporal punishment, by way of example on those who witness it, is greater than the sending a man from the parade to be confined in gaol?—No doubt it must have that effect.

2398. Are you of opinion that the infliction of corporal punishment destroys the good feelings of the men on whom it is inflicted?—I fear that is generally the result of it, from what I have seen.

2399. You think it hardens a man more than it reforms him?—I fear so. I have heard some of the soldiers say that they would desert if they were likely to be flogged.

2400. Have they done it in consequence?—Yes, I think they have in some cases, when they were nearly certain of being flogged.

2401. In that case their horror of suffering the punishment was very great?—Yes.

2402. Would not that punishment contribute to deter them from committing offences?—It must in a great measure have that effect. No doubt they dread a flogging.

2403. While you were in the Army, had you any instances of persons who had been punished, becoming afterwards good and orderly soldiers?—Yes, I have known instances of that; and in several cases they have been promoted, and made non-commissioned officers; but that is not a very common thing.

2404. Men are apt to commit offences again, and be again punished?—Yes.

2405. You are of opinion that it rather hardens than reforms the individual?—That is the general effect of it, I think.

2406. You look to it as being effectual in the way of example, rather than of reformation?—Yes.

2407. That must depend considerably on the previous habits and manners of the men?—There is no question about that. Some men are so hardened, that they care for nothing; others are quite the contrary.

2408. In the instance you have alluded to, of the man promoted to be a non-commissioned officer, it had improved the individual?—It had. The promotion was a considerable time after the transaction took place.

2409. The efficacy of the treadmill punishment, or any other punishment, depends very much upon the previous habits of the persons?—Certainly.

2410. If a man has not been accustomed to labour, it is more severe to him than to a person who has been accustomed to labour?—Certainly.

2411. Have you ever heard any soldiers who have been confined, speak to the effect of the punishment upon their minds?—I have. What they say is, that they shall be more cautious and circumspect for the future.

2412. Have you known any of them maim themselves for the purpose of avoiding it?—I have.

2413. Will you state an instance?—There were two men who cut the great tendon of their legs; one cut it completely asunder, for the purpose of so disabling himself, that he could not work any longer at the treadmill. He was discharged from the service as unfit. In the other case, the wound was not so deep; and, after a length of time, the surgeon pronounced him again fit for the tread-wheel, but it was a very considerable time first. I think both those soldiers were committed for two years.

2414. When soldiers are committed to your custody, what does the Government pay for their maintenance while they are in prison?—Sixpence a-day.

2415. Does that cover the expense of their maintenance?—I should say that it does, now that provisions are so cheap.

2416. Does it leave any thing towards the establishment of the prison?—We calculate the average cost of their food at about 2¾*d.* a-day.

2417. Do you consider the 6*d.* a-day a sufficient remuneration to the county for the expense it is at?—Taking it altogether, I think it would exceed that for each individual. I have calculated it at different times. I think from 7*d.*, according to the price of provisions, to 8*d.* a-day, would about remunerate the county for any expense; I mean, including the salaries of the officers, and the repairs of the gaol, not the building of it.

2418. Have you had soldiers committed for solitary confinement to your gaol?—We have.

2419. How does that affect the men?—Very differently in different individuals. A man of a reflecting mind feels it very severely; but others, who are stupid dull fellows, do not seem to care much about it.

2420. What length of imprisonment, of that description, do you think most effectual, a short period or a long period?—Solitary confinement is much more severe in winter than in summer. It depends very much upon the cells they are placed in: that is a very great point. Our cells are not altogether calculated for solitary confinement. The effect upon some of them, the change of diet, and the want of space to walk about in, has produced illness in some cases, in winter time. I should recommend, in winter time, a very short confinement. I should think, generally speaking, a solitary confinement of three months would bring any man to the state of improvement that could be expected to be produced by any length of such punishment.

2421. Have you established a system of silence in your prison?—We have always had silence in our gaol, while the prisoners were at work.

2422. When they are not at work?—They have access to their wards and airing yards, and it is impossible to prevent their conversing with each other, but we never permit any noise.

2423. You are aware that there are prisons in which silence is established even in the ward rooms?—Then they must have officers for the purpose. It requires a great number of officers. At night they are locked up in separate cells, so that they cannot communicate with each other.

2424. Is your prison large enough to afford a separate cell for each individual?—Yes, it is.

2425. By the return you have given in, it appears that the number of soldiers who have been committed to your custody has been greatly increased of late years; to what do you attribute that?—I cannot say, unless it is in consequence of the decrease of corporal punishments.

*Mr. Thomas Agar.*

2426. Generally speaking, you have found the soldiers who have been committed to your charge, more difficult to manage than the other prisoners?—I have. I have been obliged to confine a much larger proportion to dark cells, for neglect of work and irregularities, than of an equal number of other prisoners.

2427. The soldiers give you much more trouble than the other prisoners?—Yes.

2428. Have they of late given you more trouble than they used to do, or less?—I think they have not, with those few exceptions which I have referred to.

2429. Do they complain of their food in the prison?—They complain that it is inadequate, and that that is the cause of their being so fatigued and tired that they are obliged to leave off work.

2430. After they have been some time in prison, does their appearance deteriorate?—Upon some of them it has that effect, on others not; it is more so in summer than in winter.

2431. That is in consequence of the greater degree of perspiration?—Yes.

2432. What is the daily ration of a soldier prisoner?—On Sundays and Wednesdays they get half a pound of meat each, including bone. That is a small piece when cooked. They have, four days a week, a pint of ox-head soup; nine pounds and a half of bread, and six pounds of potatoes a week; and two pints of water-gruel each day, a pint in the morning and a pint in the evening.

2433. What is the daily weight of their food altogether?—I never exactly calculated that; I should think, nearly two pounds.

2434. You are decidedly of opinion, that your having had the power of inflicting the corporal punishment on the occasion to which you referred, was the means of your keeping those men in subjection at all?—Certainly.

2435. Otherwise they would have got the better of you?—They must have been confined in the dark cells as usual, but that was not considered by the visiting magistrates as an adequate punishment for their offence. They would have been got the better of by confining them to the dark cells, but the magistrates considered that more was requisite in such a case.

2436. From your experience in the Army, do you think it would be possible entirely to do away with corporal punishment?—If there were some prompt and immediate punishment for the suppression of military offences, such punishments as are inflicted in the gaols, it might have that effect. I mean such punishment as confinement in a solitary cell immediately after the offence.

2437. While you were in the Army were you ever on service?—No.

[*The witness withdrew.*]

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*Monday, 11th May,* 1835.

The Right Hon. LORD WHARNCLIFFE in the Chair.

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*Serjeant-Major of the 28th Foot* examined as follows:

*Serjeant-Major of the 28th Foot.*

2438. You are serjeant-major of the 28th regiment of foot?—I am.

2439. How long have you been in the regiment?—Twenty-eight years next June, exclusive of Waterloo, for which I am allowed two years.

2440. Was that the first regiment you served in?—Yes; I was never in any other.

2441. How long did you remain a private before you became a corporal?—Eight years and a day.

2442. How long did you remain corporal before you became serjeant?—I believe about fifteen months.

2443. How long did you remain serjeant before you became serjeant-major?—I believe about fifteen years, rather better; I have been serjeant-major three years the 11th of last month.

2444. What countryman are you?—An Englishman from Bideford, in the county of Devon.

2445. What age were you when you enlisted?—Seventeen.

2446. What was your trade?—I was a turner by trade.

2447. Were you an apprentice at the time?—Yes, I was; when I enlisted, my master allowed me to go. I gave him about two pounds to allow me to go.

2448. When you first entered the Army, corporal punishments were much more common than they are now?—Yes, a great deal more.

2449. What punishments have been substituted in your regiment for corporal punishments?—Trial by district court martial, and sentence to the treadmill, or to be locked up in gaol.

2450. Solitary confinement?—Hard labour and solitary confinement in most instances.

2451. Since you have been in the 28th where have you generally been quartered?—I joined the regiment at Armagh; from thence I went to Limerick, and after that to the Continent in 1809. I was five years on the Continent, in the Peninsula.

2452. You served five campaigns in the Peninsula?—Yes, five years.

2453. Were you at Waterloo also?—I was.

2454. You say that solitary confinement and punishment with hard labour have been in a great many instances substituted for corporal punishment; have you had occasion for corporal punishment during the last year or two in your regiment?—We have had but one man punished since we arrived at Chatham, between two and three months ago.

2455. What was the offence for which he was punished?—I think theft; a disgraceful punishment. The man deserved it well; he was a noted bad character, and he was discharged with ignominy after he came out of the hospital.

*Serjeant-Major of the 28th Foot.*

2456. You have had no corporal punishment within the last two or three years for insubordinate conduct?—We had one man in Limerick, I think about a year and a half ago.

2457. What was the offence?—I entirely forget; I rather think insubordinate conduct; I think it was striking the lance-corporal in the execution of his duty.

2458. Are you aware whether there was anything very particular in his case, which made it necessary to have recourse to corporal punishment instead of confining him?—He was a man of very bad character, a man who drank very much, and was abusive in his liquor.

2459. Since the substitution of those punishments for corporal punishment is the discipline in your regiment better or worse? are the men kept more easily in order, or the contrary?—I am certain, on the contrary, that there are more crimes since corporal punishments were done away with, and generally by the same class of men, the one set of men.

2460. You mean to say the same men come over and over again for punishment?—Yes.

2461. Do they do that more than they did when corporal punishments were more frequent?—Much more.

2462. Do you conceive that corporal punishment had much more effect in deterring those persons from committing crime than the present mode of punishment?—Yes; I think if corporal punishment were carried on now in some instances, it would prevent a great deal of crime that is committed. The men who go into the gaol tell their comrades they do not care for it; that is what I gain from hearsay.

2463. It is your opinion that a more frequent infliction of corporal punishment would have a better effect on the discipline of the regiment than the present mode?—Yes; that is, in some instances, with respect to those characters, because those men are in the habit of bringing up the young soldiers to crime by teaching them to drink.

2464. When you talk of a preference for corporal punishment in some instances, what do you mean in respect of some persons, or of some crimes?—I mean of the crimes. Some men are very much addicted to liquor, and when they are in liquor they are very abusive to their non-commissioned officers.

2465. In fact, you mean both as to men, and as to crimes?—Yes.

2466. In Chatham are there any cells attached to the barracks?—There are.

2467. Do you confine men in those cells by way of punishment?—They are sometimes confined there for twenty days when they have been tried by regimental courts martial, and sentenced to be solitarily confined.

2468. Do you find that that punishment answers the purpose?—Not a bit.

2469. Supposing corporal punishment to be entirely abolished, do you think it is possible to carry on the discipline of the Army without it?—I am satisfied it is not.

2470. There are certain crimes which it is absolutely necessary to punish at the moment, when they occur on service?—I should think there must be, in consequence of the troops being continually on the move.

2471. Such crimes as plunder, and so forth?—Plunder in particular, or there is no carrying on the discipline of the Army.

2472. That must be checked at the moment?—Certainly.

2473. Do you think that corporal punishment is more effectual for that than any other?—I should think so.

2474. Have you actually the means when you are on service in the field, and live in tents or huts, of punishing with solitary confinement?—Not abroad, unless when the troops are in winter quarters.

2475. With respect to the frequency of corporal punishment formerly, are you of opinion it was inflicted too frequently in those times?—Yes, and too severely. I have known six, seven, and eight hundred lashes given to a man at a time.

2476. And more frequently than necessary in your opinion?—Yes; and the corporal punishment was much more severe than it is now; the cats were much larger than they are at present.

2477. Altogether the punishment was more severe, as well as more frequent?—Yes.

2478. You think it was carried to an excess?—I do.

2479. Are you to be understood that you think, on the other hand, it is now too seldom inflicted?—I do think so, in some instances, with bad characters.

2480. Has corporal punishment a great effect on the men who witness it, by way of example?—It has. I have seen a number of men faint, particularly the young men.

2481. In a case where a man is sentenced to imprisonment, and marched off the parade to his imprisonment, has it a very good effect by way of example on the others?—It has on the good men, but the bad men, the hardened offenders, think nothing about it, and they are no sooner out of the cell than they commit the same offence again.

2482. Speaking of England and Ireland only, do you think it would be possible to maintain the discipline of the Army, if the power of sentencing a person to be flogged was entirely done away with?—I think it would be impossible to carry it on, that they would get the upper hand, and would be frequently striking the non-commissioned officers.

2483. The Commissioners are to collect from your evidence that your opinion is that the power of inflicting corporal punishment must be retained, and must be used with great caution, and only so often as absolutely necessary?—Yes.

2484. Have you an opportunity of knowing the feelings of the other soldiers towards a person who has been punished at the halberds? is he degraded in their eyes, or not?—They may consider so at the moment, but I do not see that they show it.

2485. Do they shun his company?—No, not at all.

2486. In the case of his committing a disgraceful crime, do they then shun his company?—Yes, they then shun his company, except those bad characters; they are generally together.

*Serjeant-Major of the 28th Foot.*

2487. Are you aware of any great feeling among the men of your regiment against the practice of corporal punishment?—No, I cannot say that I am, and I do not think there is.

2488. You are, of course, aware that a great deal has been said upon that subject in the House of Commons?—I am.

2489. Do you think that has excited any great feeling on the part of soldiers on the subject?—I cannot say; I never heard it.

2490. When you enlisted, did you enlist because you had a fancy to try the profession, or because you had got into a scrape of some sort?—There were three brothers of us enlisted together; my father had died a short time before; my mother had a property of about £300; she placed it in the hands of a gentleman, who ran away, and, in order that we might not be a burthen upon her, we enlisted.

2491. At the time you enlisted you were aware that you made yourself liable to corporal punishment in case you committed an offence?—As to that, I never thought about it.

2492. You wear a medal; is that the Waterloo medal?—It is.

2493. You have great pride in wearing that medal?—Certainly I have.

2494. Are there many in your regiment who have the medal?—I believe there are only eleven officers and men now remaining.

2495. How many of those are privates or non-commissioned officers?—Four officers and seven privates or non-commissioned officers.

2496. Do you think all those men are proud of being distinguished by that medal as well as yourself?—Certainly.

2497. Supposing any of those men committed an offence, and that for that offence they were sentenced to be stripped of their medal in front of the regiment, do you think they would feel it?—I think the man who would lose a medal would feel it as long as he lived.

2498. Supposing an order of merit was established in the Army, by which men who had served a certain number of years with good character were entitled to some distinction of that sort, either a medal or a riband, or some distinction in dress, do you think that would have a considerable effect on the men?—I think the Army in general would take a great pride in it.

2499. Do you think that the depriving a man of that would be considered a great punishment?—I have no doubt of that.

2500. Have you seen instances in which men have been sentenced to a stoppage of pay for some offences?—Yes, both pay and beer-money.

2501. What sort of effect has that had upon the men?—I cannot say, further than that it forced them to drink less; but I have known men in some instances to lose twopence, and I believe threepence, when it has had no effect.

2502. Supposing the commanding officer had the power of inflicting a fine upon the soldier who was guilty of drunkenness, without reference to a court martial, do you think that would be a means of checking the offence of drunkenness?—It is impossible he could drink so much till he got money again.

2503. Would it operate so as to deter him in future, or to deter others by way of example?—I cannot say that it would; for there are a class of men together, who will always be drinking.

2504. The offences that the commanding officer has the power of punishing, without reference to a court martial, are very much diminished in number of late years; what is your opinion of that regulation? do you think they are too restricted in that respect, or that it is now upon a right footing?—I think that it has a great effect on some men, the punishments that commanding officers give; I do not mean punishments by court martial, but those which the commanding officer might administer.

2505. Do you think it would be better to give commanding officers more discretionary power than they now have in the infliction of punishment?—If the punishment was more severe.

2506. If they were enabled to punish more offences than they do now, without reference to court martial?—I do not see that it would.

2507. Supposing that the men were sure of a pension, in proportion to their length of service, after a certain number of years, beginning with a less pension, say at seven years, and so to a greater at fourteen, and a still greater at twenty-one, do you think that would be any inducement to obtaining persons of a better rank in life to enlist in the Army?—I think it would.

2508. Do you think that holding out to the soldiers the having certain civil privileges given to them when they were discharged, such as voting for members of parliament, for instance, would have any effect?—No, I think not; that is a thing they never think of.

2509. Do the men in the regiment, generally speaking, wish for their discharge?—Those that have served their twenty-one years.

2510. Those that have served under twenty-one years, you think, do not?—They are, generally, wishing to serve out their twenty-one years, considering that they will be then entitled to a pension.

2511. Do men in general look upon their own situation as being as good as that of the common labourers, or otherwise?—I think they do.

2512. They think it quite as good?—I think that they do.

2513. Do they think it better?—I cannot say.

2514. Are the men of your regiment allowed to punish by company courts martial?—No.

2515. Do you think it is important in all the minor offences that the punishment should follow very speedily upon the offence, or that it should be deferred for two or three weeks?—No; in some instances a soldier has been tried immediately by a court martial, and punished, which I think a bad thing.

2516. You mean by drum-head court martial?—Yes; because they suppose the command-

ing officer is in a bad temper, and that it is the effect of temper; that he would not have punished them so severely if it had been left for a day. *Serjeant-Major of the 28th Foot.*

2517. But supposing it is for remarkably outrageous conduct?—In such cases it is desirable that it should be done.

2518. You say that soldiers have been dismissed with ignominy from the 28th regiment?—Yes.

2519. Supposing that course were adopted more generally, dismissing from the regiment persons who had undergone punishment, and of notoriously bad character, would it have a good effect in the corps generally, or would it induce men to commit crimes for the purpose of getting their discharge?—I think it would have a very good effect.

2520. Do you think it would induce men of a more respectable character and situation to enlist in the Army if it was known that a very bad fellow, who was scouted by his companions, was turned out of the regiment?—I do believe it would.

2521. Have you ever known any instances where that sort of feeling and consideration has operated?—I cannot say; but there is a certain class of soldiers in the regiment who are very bad, and that rather sets civilians against the Army. Civilians consider us all alike, judging only from the bad men.

2522. Do you find that solitary confinement has a good effect on the very young soldiers when they first commence committing crime?—I should think it has: there are many young soldiers led on by the blackguards we have.

2523. Supposing that the power of sentencing a man to corporal punishment was entirely done away with in the Army, do you think that would have an effect in enabling you to enlist more easily, or a better class of men?—A better class of men certainly; but with the class of men we have, it is impossible to do without corporal punishment; I mean those bad characters. We have some very good men, but those few bad characters, say from thirty to forty in the regiment, are continually committing crimes.

2524. You stated that when you entered the Army yourself you never thought about corporal punishment; do you not think that is very much the case with steady young men?—I have no doubt it is.

2525. Then why do you think it would induce a better description of men, if they do not think about it?—I certainly do think that a better class of people would enlist if it was done away.

2526. Do you think that parents would consent to their children enlisting?—Yes; and if a soldier could get discharged when he has completed his twenty-one years I think that would have a good effect. I have applied myself, but could not get discharged, and I am under orders for New South Wales after thirty years' service. Our quartermaster-serjeant embarked about a month since, after thirty-two years' service.

2527. Have you applied for your own discharge?—Yes; I wanted to go on the modified pension. I believe there is now a circular allowing two men in every regiment to go, if their conduct is such as to be recommended by their commanding officer. I would also wish to say that I think promotion should be held out to a deserving quartermaster-serjeant and serjeant-major, by ensuring to them the succession of adjutancy and quartermastership; and I believe that, if promotion were conferred on these persons, it would have a good effect on the other non-commissioned officers, by leading them to expect promotion in their turn.

[*The witness withdrew.*]

*A Serjeant of the* 17th *Foot* was examined as follows:

*Serjeant of the 17th Foot.*

2528. You are a serjeant of the 17th regiment of foot?—I am.

2529. How long have you been in the 17th?—About eleven years, and six years in the Queen's previous to that.

2530. You have been seventeen years in the service?—Nearly eighteen years.

2531. What countryman are you?—Devonshire, from close to Honiton, between Honiton and Taunton.

2532. What age were you when you enlisted?—Twenty-two.

2533. What trade were you?—A labourer.

2534. When you were enlisted you knew you were liable to be punished at the halberds if you committed certain offences?—Yes.

2535. Did you take that into your consideration?—Not at the time.

2536. You knew it at the time, you were quite aware of it?—Yes, of course, if I committed myself.

2537. At the time you entered the Army were there more corporal punishments in it than there are now?—A great deal more.

2538. Are you with the regiment, or with the depôt of the regiment?—With the depôt of the regiment.

2539. How many men have you in your depôt?—Nineteen privates, three serjeants, three corporals, and a drummer.

2540. How long is it since you were with the regiment?—Five years nearly.

2541. At the time you left the regiment had the frequency of corporal punishments decreased?—Yes, in a great measure.

2542. Is the discipline of the regiment better or worse since that diminution in the corporal punishments?—I do not consider that it is a great deal worse.

2543. What were the offences for which corporal punishments were generally inflicted when you left the regiment?—For desertion; a man, probably, being absent two or three days and nights; making away with necessaries; or disrespect to non-commissioned officers, and striking them.

*Serjeant of the 17th Foot.*

2544. Insubordinate conduct of all sorts?—Yes.

2545. What punishments were substituted for corporal punishments?—Sometimes knapsack drill; sometimes sent to prison and confined, with solitary confinement and hard labour.

2546. Do you conceive that the punishment of solitary confinement and hard labour had a great effect on the soldiers?—It had more effect upon them then than it has had latterly.

2547. To what do you attribute that circumstance?—To the circumstance that the young recruits we get now, in consequence of being out of employ a long time, commit depredations, and get themselves into prisons, and in consequence become more habituated to them than they were some years ago.

2548. Do you think corporal punishments would have more effect in deterring them from committing those offences?—They would more than the imprisonment.

2549. In the way of example to others does the marching a man off from the parade to imprisonment appear to you to have as much effect as an example upon the other soldiers as the corporal punishment?—No.

2550. Is there any feeling among the men against corporal punishments in the Army to your knowledge?—I have never heard any one say anything particular upon the subject.

2551. Were the men who were corporally punished the same men coming over and over again to be punished?—Generally the one set of men, with a few exceptions.

2552. Since you came into the Army where have you been quartered generally?—I have been in the West Indies, in Ireland, Scotland, and England.

2553. Only in the West Indies abroad?—No.

2554. How long were you in the West Indies?—I was three years with the Queen's in the West Indies.

2555. There is a great deal of drunkenness among the men in the West Indies?—Yes, there is.

2556. Do you find it more difficult to maintain discipline there than in England?—Yes, a great deal more.

2557. Do you think it would be impossible to maintain the discipline of the regiment in the West Indies, with the temptations which exist there, without the power of inflicting corporal punishment?—I do, with a few exceptions; the most aggravated cases.

2558. Are you to be understood to say that it would not be possible without the power of inflicting corporal punishment in certain cases?—I think it would not.

2559. In Great Britain and Ireland, supposing the power of inflicting corporal punishment to be entirely done away, do you think it would be possible to maintain the discipline of the regiment by imprisonment and hard labour without corporal punishment?—No.

2560. The greatest number of their offences arise from drunkenness?—Yes, they do.

2561. Supposing a commanding officer had the power of inflicting a fine on a man immediately on his being drunk, a summary power without court martial, do you think that would have the power of preventing it?—I cannot say, not having seen the effect, what might be the effect of it.

2562. Have you ever known instances of stoppage of pay by sentence of court martial?—I have known men have their beer-money stopped in cases of drunkenness.

2563. Has that had any effect in preventing the repetition?—With some men it has checked them; in other instances it has not.

2564. Do you conceive that if the punishment of flogging was entirely done away with in the Army we should get a better set of men for recruits?—Not unless there were some other inducements held out to the deserving soldier than there are at present.

2565. What do you look to as being to be held out to the deserving soldier?—When they come to the knowledge of their enlistment they consider that they are to serve a certain term of years, and many of them that they are to serve all their life-times, and get little or no benefit; and some of them consider that the pension under the last Act is rather too small, and the time too long to serve.

2566. If they were secure of a pension in proportion to their length of service, but for a shorter period than the present regulation, you think that would be an inducement to them to enlist?—Yes, and it would be an inducement to a better description of men to enlist than we get now; for the generality of the lower class will now make it the last push to go into the Army; they will go into a gaol or anywhere, and only go into the Army to save themselves from being transported.

2567. The soldier's situation is as good as a labourer's, is it not?—I consider that it is much better than theirs is now.

2568. Would you take your discharge if it were offered you?—No, I would not.

2569. You state that the situation of a soldier is, in your opinion, better than that of a labourer, but that only the lowest class of people go into the Army at present; how do you reconcile that?—Because it is the last push; they take a general dislike to it.

2570. What made you enlist? was it that you had a fancy for the Army, or that you had got into a scrape, or from what reason?—I enlisted because I could not get employment; for want of employment only.

2571. Upon the whole you think the soldier is much better off in this country than the labourer?—I really think so.

2572. The good soldier is very well off in proportion to the labourer?—Yes, he is. The bad soldier is a trouble to himself and to his officers, and to his comrades too.

2573. Was your regiment at Waterloo?—No.

2574. You have never had any order of merit or distinction in your regiment?—No; they were in the East Indies during the last war principally.

2575. Supposing there was an order of merit in the Army which should be given to persons

for a certain length of service and good conduct, do you think that would be prized by the soldiers?—I think it would. *Serjeant of the 17th Foot.*

2576. Do you think they would be proud of it?—I think they would.

2577. If they were sentenced to be stripped of that in front of the regiment in case of misconduct, do you think that would be considered by them as a punishment?—I think it would.

2578. And be an example to others?—Yes.

2579. Do you think that would reclaim any of the hardened fellows in the regiment?—I am afraid not.

2580. You think it would have its effect on the young soldiers?—Yes.

2581. That it would be a distinction, of which those who had it would be proud?—Yes.

2582. Have you ever considered whether the giving the men certain civil privileges, such as votes for members of parliament, and so forth, upon their discharge, would have any effect in getting better men to enlist?—I have never had such a thing come under my notice.

2583. You have never heard it discussed?—No, never.

2584. Are there such things as company courts martial in your regiment?—I have not seen such things in our regiment these last eight or nine years. When I first joined them it used to be the case, but it has been discontinued that time, I dare say.

2585. While they continued were the punishments they inflicted very severe?—They would be considered severe at the present moment; but I consider that they had a very good effect upon the soldiers.

2586. They only sat in cases of misconduct in the barracks, or dirty tricks?—Generally stealing from a comrade was the only case I have known them sit on, in my own regiment.

2587. You were never on service, having entered the Army since the war?—No, I have not been.

2588. According to your experience, what may be about the number of bad fellows in the company, that there is no managing?—They generally run from four to five, sometimes six; some regiments differ from others.

2589. What was the interval between the 17th's arrival in England from the East Indies, and their embarking for New South Wales?—Nearly six years.

2590. Where were they during that six years?—In Scotland, Ireland, and England.

2591. Who commanded the regiment?—Lieutenant-Colonel Maclaine commanded it when they came home, and he left the regiment, and Lieutenant-Colonel Despard, who was then first major, has since commanded the regiment.

2592. Were you ever employed on the recruiting service?—Yes, I was.

2593. Did you take any pains to ascertain the characters of the men who offered themselves?—We were always obliged to inquire where a man came from, and if he was a farmer's or gentleman's servant we were obliged to go and inquire his character before we took him.

2594. That was your instruction?—Yes.

2595. Where were they recruited?—At Norwich.

2596. Are your men, generally, from the agricultural districts?—From Norfolk, and from Leicestershire, among the stocking-weavers.

2597. Which do you find the best soldier, the agricultural or the manufacturing labourer?—The agricultural labourer. There are no men so good soldiers as the man who comes from the plough. We never would take a weaver while we were there; they are generally sickly.

2598. Is your regiment strong?—We are forty-two above the present establishment.

2599. Your regiment is in New South Wales?—Yes; on the eve of going to India.

2600. Are they to be relieved by the 28th?—I am not certain whether it is the 50th which is to relieve them.

[*The witness withdrew.*]

*A Corporal of the* 21*st Foot* was examined as follows:

2601. You are a corporal in the Scotch Fusileers?—I am. *Corporal of the 21st Foot.*

2602. How long have you been in that regiment?—Close on eighteen years.

2603. In the same regiment?—Yes.

2604. Have you ever been in any other?—No.

2605. What countryman are you?—A Scotchman, from Edinburgh.

2606. What were you before you were a soldier?—A labouring man.

2607. How came you to enlist; had you a fancy to enlist, or was it from a scrape you got into?—I had a fancy to be a soldier.

2608. When you enlisted, you knew you made yourself liable to be punished corporally, if you committed certain offences?—I did.

2609. You did not think about it at the time?—I do not know; I did not know the danger of it.

2610. How old were you at the time you enlisted?—I was rather better than eighteen; it was all laid down to me.

2611. You knew the fact, that you would be liable to be punished in certain cases?—Yes.

2612. How long have you been a corporal?—I was a corporal from 1826, when I sailed from the West Indies. I have been generally employed as drill corporal, and am now so at the depôt. I was left behind by my regiment for the purpose of being drill corporal.

2613. When you entered the regiment were there more corporal punishments than there are now?—A great deal.

2614. Were the punishments more or less severe when they were inflicted, were there more lashes given?—I do not consider that there were; not so much as there has been a short while back at Chatham.

*Corporal of the 21st Foot.*

2615. What other punishments are substituted in the 21st for those offences which used to be subjected to those corporal punishments?—The commanding officers order them to be marched and drilled, or perhaps order the men two or three hours' drilling for a slight offence.

2616. Are your men sentenced by court martial to solitary confinement and imprisonment with hard labour?—Yes, hard labour, very seldom at the time; very little hard labour, but solitary confinement.

2617. What period are you speaking of?—From the commencement of my soldiering.

2618. Latterly there have been more sentenced to solitary confinement and hard labour than there used to be?—Yes.

2619. What effect has the punishment of imprisonment and solitary confinement had upon the men? do they dread it very much?—Not the whole; many of them glory in it; there are young soldiers belonging to the provisional battalion, that care nothing for it at all.

2620. Do they care as much for it as they would for flogging?—I do not know; there has been none of that punishment of late years, in that battalion, since I have been in it.

2621. There was flogging when you were in the West Indies?—There was.

2622. Do you think that punishment had more effect in preventing crime than the present punishments of imprisonment and so forth?—I have been a soldier for many years, and I think that was the only thing that the soldiers ever cared about; for they will not do anything at all for us now. There was more regularity when that punishment went on than there is now, for it is past the power of man now to get them to do the thing which we wish.

2623. You think the discipline of the Army is not so good as it was?—It is more easy, but still it is not in that perfect state that it formerly used to be.

2624. You cannot keep the men in such good order?—It is nearly impossible; we cannot get them to attend to what we say or do to them.

2625. They do not care for the punishment?—They do not regard it, for they nearly laugh at it.

2626. Have you seen any corporal punishments of late years?—I believe the last two I saw were a man belonging to the East India Company, for theft, and a man belonging to the 95th; I think both for theft.

2627. Have you seen any corporal punishment inflicted for insubordination or ill-treating a non-commissioned officer of late?—No, I have not.

2628. You say you find it very difficult to keep the men in order under the present system of punishment?—I do; it is nearly impossible to keep them in order.

2629. When you say it is difficult to keep the men in order under the present system of punishment, do they disobey your orders, or make use of violent language to you?—They will not give us proper satisfaction to our orders. They will not say they will not do it, but they do not do it.

2630. Why do not they do it?—We cannot make them; we cannot drive them to it.

2631. How do you carry on the duty of the regiment?—The best that we can. Major Du Bourdieu has punished them, and sent them to drill, and tried everything that he could, everything that the commanding officer could do. I suppose he has twelve or thirteen hundred men under his command.

2632. Are the depôts formed into a provisional battalion?—Yes, some are two hundred, I suppose; some are two hundred and seventy, and so on.

2633. They are formed into a battalion under Major Du Bourdieu?—Yes.

2634. He is, in fact, like the commanding officer of the regiment?—Yes.

2635. When you speak of the difficulty of keeping those men in order, do you speak of the recruits only, or the old soldiers also?—I speak of every one, in fact, old and young.

2636. Are there not a great many old soldiers in the provisional battalion?—No; men who have come home sick, and their time not expired, they are sent to the general depôts, and form part of the provisional battalion.

2637. Do you think if two or three men, who had misconducted themselves, had been corporally punished, it would have had an effect upon the corps?—I do not know.

2638. When you were in the regiment you saw corporal punishments?—I did.

2639. What effect had they upon the regiment?—They had a great effect to prevent one man robbing his comrade.

2640. To prevent disobedience of orders in the way you now state?—Yes, they certainly kept them down.

2641. More so than imprisonment in goal?—I consider that the confinement is of very little use to some of them; latterly of no use.

2642. Do you not think it has some effect on younger soldiers?—Not the least. There is one depôt in Chatham, the 62d depôt: I think it will be two years since they got an order to recruit, and I suppose during that time they have got five hundred, and if I were to say there have been two hundred courts martial, I should not go beyond the truth. It has no effect upon them; some of them have been tried five times by courts martial, and sent to Maidstone; and got thirty days. The major has done his duty in every respect.

2643. There is one thing the major has not done, the punishing corporally?—I do not know anything of that; I have seen that hard labour has been of very little service certainly.

2644. Were the 21st at Waterloo?—No, they came home from America too late.

2645. There was no order of merit in the regiment?—No.

2646. Supposing you had a medal for a certain number of years' service, with a good character and good conduct, do you think you should be proud of it?—I certainly should.

2647. Do you think the men generally would be proud of such a thing?—Yes, I think through the regiment at large it would be so.

2648. Suppose they were sentenced to be stripped of their medal in front of the regiment

would that be a punishment to them?—A very great disgrace. I think that nothing could be more so. *Corporal of the 21st Foot.*

2649. Have you seen part of the pay stopped in some cases?—I have.

2650. Do you think that has prevented their committing the offences again?—In some instances it has, in others not.

2651. Drunkenness is the thing that leads to more offences than anything else?—Yes, most of them from drunkenness.

2652. Supposing the commanding officer had the power to inflict a fine on every one who got drunk, without sentence of a court martial, do you think that would have the effect of stopping drunkenness?—I think, if a commanding officer had as much in his power, it would stop a great many courts martial if a man's pay was stopped for a day or so.

2653. Supposing he had the power of fining a man half-a-crown?—Yes, about half-a-crown; that I think would have a great effect in checking drunkenness.

2654. You have been eighteen years, you say, in the Army; should you be glad to have your discharge?—No.

2655. You do not wish for your discharge?—No; I am very happy where I am.

2656. You would not like to have your discharge till twenty-one years have expired?—No, I should wish to stay my twenty-one years; I am not so well fitted now for other service; I do not know that I should be better off.

2657. Are you a married man?—I am.

2658. Is that the general feeling of the good soldiers?—Some men will get tipsy, and wish that they were out of the service.

2659. Generally speaking, do you think that the soldiers wish for their discharge, or not?—There are a great many young soldiers who will say, "I wish I was out of the service;" and yet, in ten minutes afterwards, they may be sorry for what they have said.

2660. As to steady well-behaved men?—Steady well-behaved men would never express the words. After a man has been eight or ten years in the service he would never wish to throw away his service for nothing.

2661. Do you think your situation better than that of a labourer in this country?—Certainly I do; I consider my pay as good as that of any labouring man, and I have several perquisites. I could not do so well for myself.

2662. You are well used, and well housed?—Yes; and, as long as I behave myself, I have every freedom that a man ought to get; I get every indulgence given me that I ought to have.

2663. Your life is comfortable, and much better than it could be out of the Army?—It is impossible I should be so comfortable out of the Army as I am in.

2664. Were you born in Edinburgh?—Yes.

2665. Do you hear men talk in the barracks against corporal punishment?—No; I hear men talk, when they see the *rigs* there are, that if there was corporal punishment they would not have so many *rigs*, and cut so many capers. There were some men came in drunk yesterday; the major ordered them to be put up in the dry room, but they did not care for that in the least.

2666. Do you hear the men talk of being liable to be flogged as a degradation to them?—No, I do not.

2667. Have you known men punished, and their comrades avoid their company after their being punished?—Yes, if they were punished for theft, or any such misconduct; but if a man happens to get tipsy, and to be guilty of any insubordination, they would not regard that.

2668. Are you to be understood that they would for a disgraceful offence, but not for a mere military offence?—Yes, that is what I mean. Men that were honest I have known punished very severely for a military offence, but they certainly were not shunned so that they were honest.

2669. Have you ever known men who have been corporally punished who turned out very good soldiers?—Yes, I have.

2670. Any who have been afterwards promoted to be non-commissioned officers?—Certainly, I have known plenty.

2671. You have a good deal to do with recruits at Chatham?—A great deal.

2672. Which do you consider the easiest to keep in order, the agricultural labourers, or the manufacturers?—The men easiest kept together are the countrymen, the labouring men, and the best soldiers: the men brought up in a town, the same as London, Edinburgh, or Dublin, or Birmingham, it is very hard to do anything with them.

[*The witness withdrew.*]

*A Private of the 50th Foot* was examined as follows:

2673. How long have you been in the 50th regiment?—Going on eight years. *Private of the 50th Foot.*

2674. You are an Irishman?—I am.

2675. From what part of Ireland?—The county of Cork.

2676. What age were you when you enlisted?—Twenty-two.

2677. What were you before you enlisted?—A labourer.

2678. Where have you been quartered with the 50th since you went into it?—At Belfast. I joined them at the depôt at Newry.

2679. Where else have you been?—From Belfast to Portsmouth; then to Weedon, then to Manchester, then to Bolton and Blackburn, then to Dublin, and from Dublin to Tipperary, and then to Dublin back again, and then to Chatham.

2680. You have never been abroad with the regiment?—No.

*Private of the 50th Foot.*

2681. Where is the regiment now?—In New South Wales.

2682. How long is it since the regiment left Great Britain?—The last are not gone out yet; they have been going out in drafts for the last two years; they go out with the convicts.

2683. How many are there now remaining at Chatham?—I suppose about twenty-eight or twenty-nine of them waiting at the present time, doing duty there.

2684. Are there any more going out?—Yes, there is a draft going now.

2685. Are you one of that draft?—Yes.

2686. You are going to New South Wales?—Yes.

2687. How long had you been at Chatham before the embarkation?—I was there about a couple of months before the first draft went.

2688. When you enlisted, did you enlist because you had a fancy to go into the Army, or what was your reason?—I enlisted on account of want of work.

2689. You knew when you enlisted that if you committed certain offences you would be liable to be flogged?—Yes.

2690. Did you take that into your consideration when you enlisted?—I did.

2691. Did that make you shy of enlisting, or had it any effect upon your mind at all?—None; I considered that if I behaved properly that would not be done to me.

2692. You have not had many corporal punishments in your regiment lately?—No, not this while back.

2693. Have you had any corporal punishments lately?—No, not more than one these three years; that was at Chatham.

2694. What was that man punished for?—For selling his necessaries.

2695. What sort of character had that man?—Generally a bad character, for selling his necessaries and getting drunk.

2696. Had he ever sold his necessaries before?—I think he had.

2697. When that man was punished, what did he receive?—I think two hundred lashes.

2698. You were present at that punishment?—I was.

2699. What did the men think of it? did they think he deserved it or not?—I suppose they did think he deserved it.

2700. Do not you think that would serve as an example to them to prevent their committing the same offence?—No, I do not think that it would—that the looking at it would not make them a bit better.

2701. Suppose that man had been sentenced to solitary confinement or imprisonment with hard labour, do you think that would have had more effect on the men who witnessed it?—No, I think that would be worse for them than seeing the punishment.

2702. Have you ever heard your comrades talk about the punishment of flogging?—I often hear some of them who have been put into gaol on account of the hard labour say they would sooner receive three hundred lashes than get three months' hard labour in gaol.

2703. You think the confinement and hard labour in gaol have as much effect upon them as the flogging?—I suppose so, for they are starved to death there, and have hard labour.

2704. Do you speak of Maidstone gaol?—Yes; then if a man got three hundred lashes, or two hundred lashes, it is done all at once; but he is lingering there, starving to death, and breaking his heart.

2705. He would return much sooner to his duty after the corporal punishment?—Yes, he would.

2706. You think they generally would prefer receiving a corporal punishment to being sent to gaol?—Yes; there are some men that do not care for three hundred lashes, and others that are nearly killed by it.

2707. There are some men who do not care for the going to gaol, are there not?—Yes, that is according to the constitution of the men.

2708. Was your regiment at Waterloo?—No.

2709. When you first went into the 50th regiment were there more men flogged than there have been of late years?—Yes.

2710. A great many more?—Yes, a great many more.

2711. Are there more or less offences committed in the regiment than there were? are they more or less drunken or insubordinate than they were?—When I joined the depôt there were a great many more flogged than there are now; a great many flogged who had very little crimes, young soldiers, and we supposed it was just to frighten them for selling their necessaries, or anything out of the way.

2712. Did it frighten them?—I know it did frighten a good many of them when they used to see the men punished; they used to think they would never get the better of it. I know many of them were frightened.

2713. You say you took into your consideration, when you enlisted, that you were liable to be punished corporally, but you thought you could avoid it by behaving yourself well?—Yes, I knew I could behave myself well in the Army as well as out of it. If a man does anything wrong out of the Army he is punished.

2714. Now you have tried the Army, do you wish for your discharge?—No, I do not care for stopping; I would sooner be in it than out now.

2715. Do you think you are now better off than before you were in the Army?—No, I was better off before I came into the Army, a few months before I came into the Army.

2716. Why were you better off?—I was a farmer's son.

2717. How much land did your father hold?—He had about a hundred acres.

2718. Whom did he live under?—He lived under a landlord of the name of Philip Hardy.

2719. How came you to enlist if you were so well off?—My father broke.

*Private of the 50th Foot.*

2720. After your father broke, what could you have done for yourself?—I came then to Cork, and worked for myself for a couple of years before I enlisted.

2721. While you were working at Cork, were you as well off as you have been in the Army?—Yes, I was till three or four weeks before I enlisted; then I wanted work, and then I took it into my head to enlist.

2722. Two or three months after you enlisted, would you have been glad to have got your discharge?—No, I would not.

2723. You had made up your mind to be a soldier?—Yes.

2724. You are very comfortable in your present situation?—Yes, I am quiet enough.

2725. Well clothed, well housed, and well looked after?—Yes; I consider that a man when he behaves well in the Army knows that he will do well; but if he does not behave well, he can never do well anywhere.

2726. Suppose, in consequence of good conduct for a certain number of years, you were to receive a medal of distinction, would you not prize it?—I should like very well getting it. A man who behaved well would like to get it, as he would consider himself entitled to get it.

2727. You think he would like to get it?—I am sure he would.

2728. Supposing, after he got it, he was stripped of it in front of the regiment, would he think that a punishment?—He would think it a very great disgrace; I know I would.

2729. Do you think that all good soldiers would feel as you would upon that?—Yes, I am sure they would.

2730. Have you known soldiers have their pay stopped for drunkenness and other offences of that kind?—Yes.

2731. What do the soldiers think of that? do they consider it a severe punishment?—I consider that there is no punishment for a man worse than the taking away his daily pay.

2732. Most of the offences in the Army are committed from drunkenness?—Yes, most of them are.

2733. Supposing the commanding officer had the power of fining a man half a crown when he got drunk, do you think that would stop it?—No, I am sure it would not. If a man could catch it at all, he would get drink. I do not think it would be of any use stopping it, for if there was five shillings stopped from him, if he could get drunk in any way he would.

2734. Do you think that he would be tempted to sell his shirt?—Yes, or would sell something else to raise the money, if he could lay hold of anything; nothing can be worse than taking the pay from them, for they would sooner sell their necessaries than go without the drink, and there is nothing breaks a man's heart more than taking away his pay; if he loses his pay, he does not care what he does.

[*The witness withdrew.*]

*A Recruit of the 44th Foot* was examined as follows:

*Recruit of the 44th Foot.*

2735. You belong to the 44th?—I do.

2736. What countryman are you?—Queen's County.

2737. How long have you been enlisted?—Since the 20th of November.

2738. What were you in Queen's County?—I was a farmer's labourer.

2739. What were your parents?—I lived with my parents.

2740. How came you to enlist?—It was a liking I had for the Army.

2741. Now you have tried it, how do you like it?—Oh, I like it very well.

2742. When you enlisted you made yourself liable to be flogged if you behaved ill, did not you know that?—Yes, I knew it very well.

2743. You knew it at the time you enlisted?—Yes, I did.

9744. What effect had it upon your mind?—It had no effect upon my mind when I heard it.

2745. Did that stand in the way of your enlisting?—Oh no.

2746. You did not take that into consideration?—No.

2747. Perhaps you thought, if you behaved well you could avoid it?—Yes.

2748. Have you many recruits in your regiment now at the depôt?—Seventeen.

2749. Are they most of them Irishmen?—All but two.

2750. Since you came to this depôt, have any of those recruits been punished in any way?—No.

2751. Neither by confinement, nor in any other way?—No.

2752. When did you come to the depôt?—I was three months before I came to Chatham, I have been there nearly four months.

2753. None of those recruits have been brought to a court martial since they came there?—No, not one of them.

2754. If you could get your discharge now, would you take it?—No, I would not like to take it.

2755. You mean to serve your one and twenty years?—Yes.

2756. Do you think you are better off now than you were before you enlisted?—No, I do not.

2757. If you are not now better off than you were before you enlisted, how came you to enlist?—I had a liking for the Army.

2758. You are very well housed, and very well fed, and very well taken care of, where you are?—Oh, yes.

2759. What is your age?—Nineteen.

[*The witness withdrew.*]

*A Recruit of the 63d Foot* was examined as follows:

*Recruit of the 63d Foot.*

2760. You belong to the 63d foot?—Yes.
2761. How long have you been enlisted?—Two months and six days.
2762. Where do you come from?—Norfolk.
2763. What part of Norfolk?—A place called Sporle.
2764. What did you do for yourself before you enlisted?—I used to work in the stable.
2765. You were a gentleman's servant?—Yes.
2766. How came you to enlist?—I thought I should like to be a soldier best.
2767. You had a fancy to be a soldier?—Yes.
2768. When you enlisted you made yourself liable to be flogged if you behaved ill?—Yes.
2769. You knew that at the time?—Yes.
2770. Did that stand in your way when you went to enlist?—No.
2771. How came it not to stand in the way when you went to enlist?—I did not think I should ever behave bad.
2772. Now you have enlisted, how do you like it?—I like it very well.
2773. Do you want to get off again?—No.
2774. How many recruits have you in your depôt?—I think one hundred and ten belonging to the 63d.
2775. Have you had any punishments in your depôt since you joined?—No.
2776. Has there been any man confined?—There has been a man in the dry room three or four days.
2777. No man has been sent to gaol, or flogged?—No.
2778. You are well taken care of, and well housed?—Yes.
2779. And you like your station very well?—Yes.
2780. Are your parents alive?—My father and mother are both dead.
2781. Were they both dead before you became a gentleman's servant?—Yes, my father has been dead these nineteen years.
2782. How old are you?—Twenty years of age the 9th of last March.

[*The witness withdrew.*]

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*Tuesday, 12th May,* 1835.

The Right Hon. LORD WHARNCLIFFE in the Chair.

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Major-General *Sir Joseph M'Lean,* of the Royal Artillery, was examined as follows:

*Major-General Sir Joseph M'Lean.*

2783. You are Commandant of the garrison at Woolwich?—I am.
2784. How long have you been in the royal artillery?—Fifty-four years this month.
2785. How many men have you under your command at Woolwich?—The average is about two thousand artillery only. I never interfere with the management of other corps under my orders there.
2786. Did you ever command a battalion of the royal artillery?—I never had a district command in my life. In my early life I have been at Gibraltar; I have been employed on the staff in Dublin, where I had an opportunity of knowing a good deal of the discipline of the service.
2787. You never actually commanded a battalion of artillery?—No.
2788. Corporal punishments have decreased considerably since you first entered the army?—Very much indeed.
2789. At that time was there much corporal punishment in the artillery?—When I first came into the service there was a good deal in the army; I was five years at Gibraltar, and we had a great deal more than I have ever known since.
2790. Was the artillery composed of the same class of men of which it is now composed?—No; a better class of men; generally, therefore, when we did flog, it was always a very bad subject.
2791. You took care never to punish any but of those very bad characters?—No; the facility to drinking at Gibraltar was a great cause of punishment, and led to every other excess.
2792. Since those punishments have diminished in frequency, what other punishments have you substituted in the artillery?—Now we substitute imprisonment in the county gaols, which is the most questionable mode of punishment; for the men, ninety-nine times out of a hundred, come back a great deal worse than they went there.
2793. Have you the means of confining your men solitarily in barracks?—Yes; we have a certain number of solitary cells which we use, according to the sentence of courts martial.
2794. Do you find the cells you have there sufficient for the average number of men?—If we had a few more, they would be desirable.
2795. Corporal punishments are now very rare?—In the year I have commanded at Woolwich we have had but ten; that is a small number for two thousand men. I have a list of them in my hand; I think there is not one who was punished who would not have been sentenced to a great deal more severe punishment if he had been tried by the civil law. They were all prosecuted by their own comrades for stealing from them, and some of those punishments were remitted, which depended entirely on the circumstances. For several

months past, we have had nothing of the kind. For instance, there is a man of the name of Patrick Clarke in the list: he was tried for disobedience of orders, in being in the canteen, when under confinement to the barracks; secondly, for absence without leave from church parade, on the 18th to the 20th of May, when under confinement to barracks; thirdly, for taking away, without the consent of the owner, a fatigue jacket and a stock; fourthly, stealing a silk handkerchief from gunner and driver John Lees. That man was tried for all those crimes by a garrison court martial, and was sentenced to three hundred lashes, and received them. *Major-General Sir Joseph M'Lean.*

2796. Was he tried for all those offences at the same time?—Yes, for all together. With the exception of striking a non-commissioned officer, corporal punishments are generally confined to men found guilty of stealing, and offences of that kind.

2797. Some appear to have been guilty of making away with their necessaries?—Yes, but that is only a part; we do not flog them for making away with their necessaries alone.

2798. Some of those persons, it appears, were discharged with ignominy after the execution of their sentence?—They were. We have, at this moment, two men under those circumstances in Maidstone gaol, who were ordered by the master-general of the ordnance to be dismissed.

2799. When you dismiss those men with ignominy, do you mark them in any way?—We seldom dismiss them with ignominy unless they are marked. A flogging gives them a mark that they never get the better of; then, if they are deserters, they are marked with the letter D. We do all we can to prevent their imposing on other corps.

2800. Have you known of any instances of those men who have been punished by you and discharged, having enlisted into other corps afterwards?—I never recollect to have heard of its being done.

2801. Since corporal punishments have been less frequent in the artillery, is it your opinion that the discipline of the regiment has been more or less easily maintained?—I am humbly of opinion that it has not been of advantage to the service; that in former times you tied up a man and flogged him, and the example was immediate and good; now, a man knows exactly how far he may go; he knows he will not be tried by court martial, unless he goes to a certain extent; he will keep within that extent, knowing he will have only a few days' confinement for that. In large towns there is so much temptation to drink and women; if it was not for those things we should have nothing to find fault with, excepting those who are thieves: but several good men, in other respects, are often led away, whom I have reason to believe a punishment of fifty or a hundred lashes would have brought about. I think it probable that the men themselves are of that opinion. There was not one of those flogged, as far as I can judge, that their comrades were not of opinion that they heartily deserved it.

2802. Those men were flogged for crimes considered disgraceful?—Yes.

2803. Supposing a man punished for merely a military crime, such for instance, as being out of his barracks, or insubordination, or selling his kit, do you think the other men of the artillery have the same feelings with respect to his punishment as they would have if he was punished for a disgraceful crime?—I do not think, under our present system, they would be flogged for any of those crimes. If a court martial did sentence a man for crimes of that kind, I should remit the punishment. It is perfectly understood among us that no one is punished unless he is altogether a vagabond.

2804. Did you ever find that the infliction of corporal punishment has had the effect of reforming an individual such as those you have referred to?—I have not had time to ascertain that point at Woolwich, because so many of those men that have been flogged were also confined in the gaols, which I know never answers any good purpose. I cannot exactly say whether it has had the effect of reforming the individual, but I think the example has been very useful.

2805. Perhaps you think it has been of more use in point of example than of correcting the individual?—A great deal more; there is no doubt of that.

2806. When a man is sentenced to confinement, he is marched off the parade to the place of confinement?—Yes; he is put into the defaulters' room. It depends upon the mode in which the commanding officer does it. We put them into the cells or defaulter's room, without courts martial for a certain number of hours. The men sentenced by court martial are taken immediately from the guard-room into the cell and locked up.

2807. Is not the sentence read at the head of the regiment?—Always; the field officer of the day reads the sentence.

2808. Has the reading of that sentence, and the whole proceeding, as much effect, in your opinion, as an example to the other soldiers, as the infliction of corporal punishment?—I do not exactly know what to think of that. I am decidedly of opinion corporal punishment should be used with great caution. I do not attend those parades myself, unless they are going to be drummed out, when I always preside. It is not the habit for the commanding officer to attend the reading of the courts martial.

2809. Who does that?—The field officer of the day.

2810. Have you ever had an opportunity of seeing any of the men who have been sentenced to imprisonment with hard labour, before and after they had undergone that punishment?—I have not seen them; but I have called for a detailed report of all the battalions, knowing those were questions I might be asked. I called upon all the battalions to give in the returns of all the men who were so punished; and to the question, whether any good effect had arisen from it or not, I think there is but one instance where they conceive that a man is at all reformed by it.

2811. Your men of the artillery are a superior class to those in the line?—We endeavour to make a rule, that we will not take a man if we have in the least an idea that he is anything but a good character; but they will steal upon us sometimes.

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2812. When you have mixed with other regiments, having under your command certain portions of the artillery, have you generally found your men superior in point of behaviour?—I think I may venture to say that they are, generally speaking.

2813. Do you speak that both with respect to the line and the guards?—I would not answer that positively; I have no good opportunity of knowing that.

2814. Have you in the artillery anything like a system of distinction for men who have behaved well for a certain period?—Yes; so far as that, we have a good-conduct book, and a defaulters' book, in which every man of the regiment, without exception, is entered. I happened to call the other day for a man as to whom there had been a question about his wife. I desired to know what his character had been; they brought me the book for four years, and I found his name never in the defaulters' book, and I considered him entitled to an indulgence.

2815. A man under those circumstances does receive an indulgence?—Yes.

2816. What sort of an indulgence?—If he is a married man, he is allowed to live with his wife, and gets occasionally some little assistance.

2817. There is no honorary distinction?—No; I think it would be a very good thing to have a distinctive mark on the good men, which we have no means of doing. We have men discharged, who, for good conduct, are recommended for gratuities and for medals, which they are proud of.

2318. There are no such distinctions given while they are actually serving?—No; I think that would be a very good thing. I have sometimes spoken of it to my brother officers, and they have agreed with me.

2819. Do you think that if such distinctions were given, the depriving a man of them at the head of his regiment would be considered a disgrace?—No doubt of it.

2820. You think that the power of administering corporal punishment should be preserved in the Army, but used with the greatest possible discretion?—Yes, which I believe it always is with us; indeed, I know it is.

2821. The artillery men receive more pay than the men in the line?—Yes; and they are paid daily now.

2822. Do you approve of that daily payment?—Yes.

2823. Do you think that it prevents drunkenness, their not having a balance at the end of the month?—I really cannot say; the more the men have to spend, the more drunkenness there will be probably.

2824. Do you think there was more drunkenness when the men were paid monthly than there is now?—I do not know that I recollect sufficiently to answer that fully.

2825. Do you apprehend, that if a man is punished corporally for a merely military crime, the rest of the men in the artillery look upon him as a marked man?—There is no question that they do. If a man is tried for striking or knocking down his non-commissioned officer (and he never would be flogged for less than that), there is no question that the man is looked down upon; the very fact of his doing it shows he is a bad man; that man's character will be found in the defaulters' book as a bad fellow.

2826. You think they look down upon him as a man of bad character, and not merely because he has been corporally punished?—No doubt of it.

2827. Have you ever heard that there is any feeling among the men in the regiment with respect to corporal punishment, as being a degradation to the profession?—I never heard the thing spoken of by any non-commissioned officer or man, but I have a feeling that the good men would be very sorry if it was done away with, and we have a great many good men. It is a delicate thing to talk to the men on those subjects; but we have some very trusty serjeant-majors, and people of that description, whom I have not spoken to; but I have a pretty decided opinion that that is their feeling. We have some very conscientious good men, who, I am sure, would give a very honest opinion upon the subject.

2828. Has the discharge of men of very bad character after punishment a good effect in maintaining the discipline of the Army?—A very good effect. When I have a parade for a drumming-out, as they call it, the culprit is brought to the head of the regiment; the drum-major is called out; he cuts off his buttons, and goes through a long ceremony, taking off his facings and the buttons off his cap, and then they play the rogue's march. There is nothing like derision or a laugh; it has a very admirable effect.

2829. The actually getting rid of bad men enables you to conduct the discipline of the regiment better afterwards?—I have no doubt of it.

2830. Have you found that it has led good men to misconduct themselves with a view to getting their discharge?—Certainly not; they have no idea of that.

2831. Do your men generally wish for their discharge?—No; we sometimes meet with a good man who wishes for discharge; they sometimes purchase their discharge.

2832. Are you in the habit of giving furloughs to your men?—Constantly; we give a certain number to each company, at a proper time of the year, under the regulations.

2833. Do you think that those regulations in respect of furloughs are extended sufficiently?—I do not know. I think we generally give to all the men who ask. We divide it so that each man shall have his turn, and if a man goes into Yorkshire, he gets a longer indulgence than the men who have a short distance to go; and I have generally found that the men return very religiously to their furloughs, unless there is any casualty.

2834. They return cheerfully to their duties?—Yes; I believe they are often very glad to return.

2835. Do you find that when they are on their furloughs they are apt to desert?—No; I never knew an instance of it.

2836. You give furloughs only to good men?—Only to good men. It happens sometimes

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that a man's parents are taken ill, or that property comes to him, and we always let him go in such a case.

2837. When they are quartered in the Colonies, they are never allowed to leave until the company to which they belong is ordered home?—I believe not, except on extraordinary occasions.

2838. How often do you relieve your detachments in the Colonies?—The Colonies are relieved as follows, viz.: Jamaica, Leeward Islands, and Bermuda, every five years; Ceylon, the Mauritius, and Cape every eight years; all other stations every six years.

2839. When they come home, how long a period do you keep them at home before they are sent out again?—That depends upon how they are wanted; I believe they are not at home longer than five or six years.

2840. Do you find the men returned from a foreign station in a better or worse state of discipline than when they left this country?—That varies. One or two have returned lately not so good, and others better. The first question I ask the captain of the company is, "Have you any bad men" He says, "This is a drunkard," and so on; but, generally speaking, they return very fairly.

2841. Even from the West Indies?—Yes; as fine a company as ever I saw in my life disembarked from Barbadoes lately; there is not above one or two indifferent men in it.

2842. How do they come from Ceylon?—I have no means of ascertaining that correctly, as none have returned since my command.

2843. Had the company which lately returned from Barbadoes been long absent?—Five years. I never saw a finer company in my life, or better behaved men.

2844. You send them out always by companies?—Yes.

2845. They may be distributed in small bodies in the island?—Yes; after they get away from me, I know nothing more about them till they return.

[*The witness withdrew.*]

*Colonel Stephen Galway Adye* was examined as follows:

*Colonel Stephen Galway Adye.*

2846. Do you command the artillery at Woolwich?—I have occasionally. Sir Joseph M'Lean is in command at present; I am the senior officer in his absence. I am more immediately there as superintending the drills. I am in command occasionally, from different circumstances.

2847. How long have you served in the Artillery?—I have been above forty-two years in the artillery.

2848. You have served not only in this island, but in the Colonies?—I was at Waterloo, and with the Army of occupation in France, at Walcheren in 1809, in the Mediterranean and in Egypt in the campaign in 1801, and in command of the artillery at Cadiz in 1813 and 1814.

2849. When you first entered the artillery, were corporal punishments more frequent in that corps than they are now?—I think they were adjudged for offences they are not at present; often in cases of a soldier's being absent at nights, and other slight offences, which is very rarely the case in any regiments now.

2850. They were resorted to for lighter offences?—Yes; for absence from roll-calls, and at nights, and similar small offences. I have been quartered at several stations during the late war, and since, where they have been inflicted for very minor offences to those for which they are inflicted at present.

2851. What punishments have been substituted for those?—Solitary confinement, and imprisonment with hard labour in some cases.

2852. What has been the effect of that alteration on the discipline of the service?—Drink, I consider, is the besetting sin of the British soldier, and the cause of most breaches of discipline. I think we are just as bad as we ever were.

2853. Are you no worse?—No, I do not think they are worse. In the present state of the moral habits of most men that enter the Army, I think it would be a very dangerous experiment, resorting to the abolition altogether of corporal punishment.

2854. Your men in the Artillery are rather a superior class to the men in the line?—I think we are. During the war, when our numbers extended to 25,000 men, I think we were not so. We recruit very much from Scotland, where the men are more moral, and better educated.

2855. You have been, of course, on service, and in quarters, with different corps of the Army, both of the line and the guards; have you found your men to be superior, in point of behaviour and appearance, to them?—I should say not very much during the war. I have not been with them latterly so much.

2856. Do you think there are more persons of a higher class of society who enlist in your corps?—I believe we have now; I do not think, during the war, we had. The number was so great, we could scarcely keep up the strength of the regiment, and we took a description of recruits we do not now.

2857. You must remember the corps during the French war?—I got my commission almost immediately after the execution of the King of France, in 1793. A great many got commissions from the Academy soon after that event. I believe it took place in January: we got our commissions in April.

2858. Maidstone gaol is that to which you send your prisoners?—Yes; it is the county gaol.

2859. What has been the effect of confinement upon the men who have been sent to that gaol, when they returned?—I think, perhaps, brigade major Jones will be better able to speak to that; but a portion of them have certainly become better; some have become reckless, and have never been improved. Generally speaking, I think it has had a good effect.

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2860. That would be the case with a certain number who have been punished corporally; on some it would have a good effect, and on some not?—Yes, just so.

2861. Do you think it would be possible to substitute the punishment of solitary confinement and imprisonment with hard labour, to the entire exclusion of corporal punishment?—I think not; I do not know whether the plan of solitary confinement can be made more like the places of confinement in America, a more determinate punishment; and whether by increasing the horrors, that would not have a better effect; but I think, considering the moral habits of the British Army, it would be a most hazardous experiment to make any very great alteration by abolishing corporal punishment; for it should be borne in mind, it can never be restored if it is once abolished.

2862. Are you of opinion, that when a man is sentenced to imprisonment, and his sentence read at the head of the regiment, and he is marched off into confinement, that it has as much effect by way of example on those who witness it, as a corporal punishment?—All punishments are as much for the punishment of the offender, as for an example to the soldiers who are spectators. There is always a great cry out made against military punishments, because we carry them on with all the paraphernalia of having the regiment under arms, a surgeon attending, &c. If all the private whippings going on after the assizes in the different counties were executed in the market-places, the civil authorities all attending, I am sure there would not be that morbid sensibility there is about it, and the public would be aware how much more usual this mode of punishment is than is generally imagined, and that it is far from being peculiar to the military profession.

2863. The question respects the effect upon the other soldiers. Do you think the effect of corporal punishment on the other soldiers is greater than that of reading the sentence of confinement?—I think, for the description of crime for which corporal punishment is now generally inflicted, it certainly is. When a man was punished formerly for being absent two or three hours at night, I do not suppose but that the soldiers thought the offender was over-punished; but when he is punished, as is the case now, for gross insubordination or mutiny, or punished for theft, (where he would probably be whipped if he was tried at the assizes,) or for crimes of a disgraceful nature, &c., I think it has a very good effect.

2864. You think that the soldiers do not consider that the punishment is too severe for the offence for which it is inflicted?—No; I think any well-behaved and reflecting soldier would feel that it was essentially necessary for discipline.

2865. They do not feel that the mere infliction of punishment for those offences is a degradation to the Army?—No; I think for stealing from their comrades, and for insubordination and other crimes mentioned in the preceding answer, that the good men consider they have got their deserts.

2866. Have you ever known instances of men who have been corporally punished, turning out steady soldiers?—Very often.

2867. Do you think the other men look down with contempt upon those men who have been punished corporally?—Never to any extent.

2868. Do they look upon them with contempt, if they have been punished for a disgraceful crime?—Yes, certainly, for what are called disgraceful crimes, especially when of a cruel, indecent, or unnatural kind.

2169. That feeling arises more from the nature of the crime than the punishment?—Certainly.

2870. Under the late regulations, commanding officers have been more restricted with respect to punishments than they were before?—They have.

2871. What is your opinion as to the effect of the restrictions?—I think that, as the punishment is inflicted as much for example as for the punishment of the criminal, it should only have that degree of severity which is sufficient to deter others; the lowering the extent of punishment has been advantageous. Formerly punishments of one thousand lashes have been awarded, and I have seen men again brought out to receive the remainder of their punishment; but that is never resorted to now. Three hundred lashes is the most that can now be awarded by a garrison or district court martial, and two hundred by a regimental court martial, which I consider quite what it should be.

2872. Do you think there should be more discretion given to the commanding officers to inflict minor punishments, without court martial, than there is now?—It would be very difficut to devise what should be the nature of the punishment.

2873. The question refers to the sentences, whether more power might not be given to the commanding officer to deal summarily with certain offences, for instance, drunkenness. Do you think that the giving the power to the commanding officer to fine a soldier who should get drunk, summarily and without any sentence of a court martial, would have the effect of checking drunkenness?—I think, anything that affected the man's pocket would do good. I think that great benefit has arisen from the regulation of depriving soldiers guilty of habitual drunkenness, of a penny or twopence or threepence of their daily pay, as the case may be, as it actually, *bonâ fide*, debars the soldier from committing the offence; he cannot go with his comrades who have got money when he has not.

2874. Would it not induce some men to sell their necessaries to get the means of drunkenness?—No doubt it would in some cases.

2875. In the artillery, after a man has been punished more than once, and is generally of a very bad character, you are in the habit of getting rid of him by what you call drumming-out?—Yes, there have been instances; and I think that if it was extended it would be very good, particularly as to cases of habitual drunkenness, when all other modes of punishment have been found of no avail. It becomes a case of notoriety among the men, and everybody hears and talks about it.

2876. It enables you to get rid of men who are a hinderance to the discipline of the regi-

ment?—Yes; they are often very reckless people, and pride themselves in getting hold of young men and instructing them in all kinds of vice.

2877. Their presence is a great annoyance?—Yes; notwithstanding the expense of getting another man, the benefit to the service is of much greater consequence than the expense incurred.

2878. Have you found by experience that it has induced other men to misconduct themselves, that they may get their discharge?—That may happen in some particular case, but I think that it is very rare. He must be a very reckless wretch who would do so, and would be no loss to the service. The men generally know that they are well off, and would never resort to this mode of obtaining their discharge.

2879. Are you aware how many men there are actually serving in the artillery now?—I believe between six and seven thousand. There are nine battalions, and the horse artillery, six troops. I think about six thousand seven hundred altogether. In the war time there were about twenty-five thousand.

2880. Your men are sent out by companies to the Colonies?—Yes.

2881. How long do the companies remain unrelieved?—It depends on where they go to. There are specific periods established for Gibraltar, the Mediterranean, the Cape, Ceylon, the West Indies, &c.

2882. Beyond these periods, have they ever remained longer?—Instances have occurred of men wishing to be transferred, that they might stop in the country, and they have been detained longer because the reliefs have not been ready to take their place; but there is a specific time.

2883. After their return home, how long do they remain in England before they are sent out again?—That must depend on circumstances; some are two, three, four, five, and six years.

2884. Is there any specific time for that?—No, not exactly; there are so many fluctuating circumstances which sometimes arise, that they break in upon the rollster. Companies have been under orders for a particular station, and the service has required them at some other. Just now orders have been received to send a company to St. Helena, which it appears is about to be occupied by the King's troops; and the company, which was going to some other place, must be brought forward to fill up that station; and that creates an additional demand upon the establishment of the regiment.

2885. The companies go out in rollster?—Yes, from a general rollster of the regiment.

2886. The depôt and staff of the battalion always remain at Woolwich?—Yes, we have but one head-quarters, and the adjutant and staff of the battalions always remain at Woolwich.

2887. Do you think your men generally wish to have their discharge?—No, very far from that. There may be some reckless fellows who think they can better themselves, but every man who is worth keeping is very glad to remain; and thousands of them think and know they are too well off as soldiers. They consider themselves as well off as most men in their class of society.

2888. You have never had anything like an order of merit, or rewards by riband, or anything of that sort, for good behaviour in the regiment?—Never.

2889. What do you think of an order of merit that should descend to the lowest rank in the Army, and be given to men for a certain number of years' good conduct?—Any badge, however small in intrinsic value, even a stripe of worsted binding on the arm or breast, if given for good conduct and long service, would tend, I think, much to stimulate the men to good behaviour, and some privileges might be attached to their bearing it.

2890. Do you think the deprivation of that by sentence of court martial at the head of the regiment, would be considered a punishment?—Certainly, in proportion as they prized the reward, they would not like to lose it.

2891. Have you any Waterloo men still remaining in the Artillery?—Yes, there are some still remaining.

2892. Are those men proud of their distinction?—Yes; and the recruit looks at the Waterloo man now with a great deal of respect, while he evidently assumes a certain consequence to himself.

2893. That was for the service he was employed on?—Yes. There are rewards of a silver badge and a sum of money given now to a certain proportion and description of men of good characters, on their discharge. A mark or badge of some description for men of good character whilst serving, would certainly have its effect in a minor proportion.

2894. You are in the habit of giving furloughs to your men?—Yes; we go to a certain extent in the winter season, but we are always much restricted, and the time of the troops is very fully occupied at Woolwich; and even at other seasons of the year, when a man makes out a particular case to his commanding officer, such as his friends dying, or coming into some money, we let them go, if it does not interfere with the duties of the garrison.

2895. When you allow men to go on their furloughs do you find that they return to their duties with cheerfulness?—Oh yes, quite so; they quite appreciate the liberty they have had, and return with cheerfulness.

2896. If there was a greater latitude given in that respect, so as to enable you to allow more men to go on furlough, do you think that would be of advantage?—We are very often obliged to refuse, on account of the circumstances of the garrison at Woolwich, and only allow a certain proportion of men till others come back. A man, for instance wishes to go to Northumberland, which would take several weeks,—we are obliged to restrict that.

2897. You have no difficulty in obtaining recruits?—No; sometimes we find a difficulty when they get better employment in the country, but in general our establishment is kept up. Our standard is high,—we never take under five feet eight.

2898. You are also particular as to character?—We do not attempt to get characters with

*Colonel Stephen Galway Adye.*

every one. If a man has been a servant or a groom, we make him refer to his master why he has been dismissed, from the idea that he may have left him improperly; but I believe, generally speaking, recruiting officers, unless asking round the neighbourhood, do not get characters with the recruits.

2899. Have you many men in the ranks of the artillery of a superior class in life to those in the line?—I think, from the nature of their education after they enter the regiment, it arises that we have. We have schools for both non-commissioned officers and privates, and these, combined with their military education, give us many men of great intelligence, especially amongst the non-commissioned officers.

2900. They have been taught since they came into the regiment?—Yes.

2901. Do you find that when they enter the regiment, they are the sons of persons in a more respectable class of life than those who enter into the other portions of the Army?—A great many of them are very intelligent in their answers. Many have been what they call clerks, and in excellent situations, but, from the distress of the times, they have been obliged to enlist.

2902. Are those men more easily brought under good discipline than the others?—Sometimes not. I do not mean to say that the more enlightened man, with regard to his reading, &c., and having seen better times, makes the best soldier always.

2903. Which do you consider the best recruit, the agricultural labourer or the mechanic?—An agricultural labourer, and farmers' servants, who have generally had to do with horses, make excellent recruits for the artillery service.

2904. Would you rather have a good stout healthy labourer as a recruit, than a person equally healthy, but a clerk?—I had rather have a labourer, and have the instructing of him, because many of our people can immediately go to school. We have a large regimental school for the children, and the volunteers from the men for the going to school are numerous. They go in the evening after their duties are done, from six to eight.

2905. You had rather educate them yourselves than take them educated by anybody else?—Yes; very often those men get on from knowing nothing when they first join, to being clever men, and make excellent non-commissioned officers.

2906. Are there many of the children of your regiment that afterwards become soldiers in the regiment?—A great many.

2907. How do they turn out?—Sometimes good, and sometimes bad. If their parents are near, and they are under the *surveillance* of their parents, they sometimes turn out good; sometimes they do not.

2908. What is the general impression in your mind about their turning out well, or otherwise?—I know we have a very large body of them in the regiment who have been born in the regiment, who are very excellent good men; my general impression is, that they turn out well.

2909. You confine your men in solitary cells in the barracks?—Yes.

2910. Do you find accommodation enough?—In general we have, unless in case of a fair in the neighbourhood, or anything which leads the men astray.

2911. Are they effectual as solitary cells?—They cannot talk to each other in the cells; but the men must be brought out for exercise and air in the course of twenty-four hours; they have as little communication when they come out as possible.

2912. Suppose they were in solitary confinement, with a cell and a yard to air themselves separately, without being marched out, do you think the effect of that would be good?—I think that it would, if they saw nothing but the light of heaven, and were not allowed even to speak to the man who brought their dinner; it would all tend to good. The more positively solitary the confinement was for the time, the better I think it would operate as a punishment, and tend to deter from a repetition of crime.

2913. In order to put that into operation, there must be a very large expense?—Yes; at present most of our cells are in communication with the barracks. A man comes out, and wants to go to the privy, and he talks to others: we cannot altogether make it solitary.

2914. It is separate confinement, but not solitary?—Just so. If there were a building entirely appropriated to that one purpose, and the men were not allowed to speak, or have any communication with others, I think it would have a salutary effect.

2915.—On hardened offenders, even the treadmill, or solitary confinement is found to have but little effect?—I know, in the penitentiaries in America, where they have carried it to a greater extent, it has had a great effect. The man there is not allowed to speak to another. It is a terrible punishment certainly, but it has a great effect upon the men.

[*The witness withdrew.*]

*Major William Daniel Jones.*

Major *William Daniel Jones*, of the Royal Artillery, was examined as follows:

2916. You are brigade-major of the artillery?—I am.

2917. How long have you been in the corps?—I have been in the corps about two and thirty years.

2918. As brigade-major of the artillery, have you the detail of duty under you?—At Woolwich, all passes through my hands.

2919. How many men have you at Woolwich at this moment?—About two thousand rank and file, including the outposts.

2920. Is that pretty near the average usually in time of peace at Woolwich?—I think we average about that, varying occasionally, on account of the embarkations taking place for foreign relief. Sometimes we may have one or two hundred more or less.

2921. The staff and head-quarters of each battalion of artillery remain constantly at Woolwich?—Yes.

2922. How many battalions are there?—Nine battalions and the Horse Artillery.

2923. Your mode of relief is by sending out the companies by turns?—The deputy adjutant-general appoints them. They take their foreign duty by turns, and go in companies.

2924. How long do they remain abroad before they are relieved?—Five years in the West Indies and Bermuda, and six in the other stations, except Ceylon, which is a period of eight years.

2925. Upon their return, how long do they remain in this country?—Seven or eight years perhaps.

2926. Do those men who come from Ceylon, and are therefore detained a longer time abroad than the others, remain a longer time at home in proportion?—The companies from Ceylon go abroad again in their turn, but the men are seldom the same; many are worn out and pensioned before the next tour of foreign duty comes round, or are found too old to be sent abroad, and transferred to companies remaining at home.

2927. When those companies do return, from the West Indies for instance, do you find them return in a good state of discipline, or are they affected by the ease with which they obtain liquor in those countries?—I think drunkenness prevails almost as much at home as it does abroad.

2928. Drunkenness, in fact, is the root of all your crimes?—Indeed it is.

2929. Are corporal punishments frequent in the Artillery?—No, we have as little of it as possible; but I am sorry to say, occasionally we find it necessary from insubordination or theft. It is nearly confined to those two crimes.

2930. Your principle is to avoid it as much as possible?—Yes.

2931. How far have you been able to succeed in avoiding that punishment? how many in a year, out of two thousand men, are you obliged to punish corporally?—It varies; some years eight, ten, or eleven, but not I think of late beyond that. Our garrison is rather peculiar; it is not like one regiment, but is composed of men constantly joining from different stations. In some colonies they have been, perhaps, very much detached, and away from their officers, and discipline has been a little relaxed. In the average number of two thousand men, the individuals are constantly changing.

2932. On an average, you think about eight or ten corporal punishments take place in a year, of that number of men?—Yes, of late years.

2933. How long have you been brigade-major in the Artillery?—Six years.

2934. Has the number of men tried by courts martial, in proportion to the number of the garrison, increased considerably during the last five years?—Yes, since the punishments left in the hands of the commanding officer without court martial have been so much restricted, courts martial have been had recourse to more frequently than formerly.

2935. Do you attribute that in any degree to the increase of offences?—Yes, I do. I think also that they have assumed a different character, men being now tried for offences that would have been punished by commanding officers on their own authority formerly; and a crime has become very frequent that was, till of late years, almost unknown; a man thinks very lightly of absenting himself for three or even more days; in fact, he remains away till he is sober, to avoid being seen drunk, for fear of being tried for habitual drunkenness, which would deprive him of part of his pay.

2936. Do you try him by court martial now, in that case?—Generally, but sometimes the commanding officer allows him to be punished in the minor way, even for the three days' absence, to lessen the number of courts martial.

2937. When those men have been punished in the minor way, have you found that it has had the effect of checking the practice on the part of the men?—No, I do not think it has.

2938. During the period mentioned, the number of lashes inflicted has considerably decreased?—It has, within the last six or seven years, the Mutiny Act being altered. Regimental courts martial are restricted to two hundred lashes; formerly they could sentence to a larger number.

2939. In point of fact there are fewer men punished also?—There are.

2940. There having been such an increase in the number of courts martial, and at the same time a decrease in the number of men punished, and the number of lashes inflicted, some other punishment must have been substituted in the place of corporal punishment?—Yes; solitary confinement, and imprisonment with hard labour.

2941. When they have been confined, with hard labour, where have they been sent to?—The house of correction attached to the county gaol at Maidstone.

2942. What effect have you found to result from this imprisonment upon the men?—Very few have been reformed by it; many have become more vicious characters, in consequence of their association there with bad characters; and many have since been discharged as a disgrace to the regiment.

2943. In point of physical appearance, have you found that men sent to Maidstone gaol, to hard labour, have come out in a very different state from that in which they went in?—I cannot answer that; the men themselves have not, in all cases, come under my personal observation.

2944. Where they have been sentenced to solitary confinement, what effect have you found to arise from that species of punishment?—I think it is very little regarded: bad men would rather lounge away their time in confinement than do their duty; that is a frequent observation of the men.

2945. When a man is sentenced to imprisonment with hard labour, or solitary confinement, his sentence is read at the head of the battalion?—It is.

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2946. Are you of opinion that has a great effect upon the men who hear it, as an example?—I think punishment is in a great measure confined to a certain number of characters in each battalion, who care very little about it.

2947. Supposing those characters to be punished corporally, do you think that has a considerable effect upon those who witness it?—I think it has, in a certain proportion, but it depends upon what the crime is for which they are punished.

2948. Supposing a man punished corporally for insubordination to his non-commissioned officer, do you think the tying up a man at the halberds, and his receiving his punishment in the face of the regiment, has a considerable effect, by way of example, on the young soldiers of the regiment?—I think it has.

2949. Do you think it has more or less effect than the marching off a man to imprisonment?—Greater: I think the latter has effect for the moment, but it makes no permanent impression upon them.

2950. Have you ever known a man who had undergone corporal punishment afterwards become a steady and good soldier?—Yes, I have known instances of it.

2951. Many?—Not many.

2952. Have you known instances of their being so well conducted as afterwards to become non-commissioned officers?—Yes, I have.

2953. And to perform their duty to the satisfaction of their officers?—Yes. A very peculiar case came under my knowledge in North America: a man who had been a remarkably gallant soldier in the Peninsula, and who was there very well behaved, became, when in quarters in Canada, so impatient of controul, and insubordinate, we could do nothing with him: there was a strong feeling in his favour which, for a time, prevented his being tried by court martial. At last he was tried by court martial, and received two or three hundred lashes; and from that day he became an obedient soldier, and was last year pensioned with an exemplary character. I have often quoted this case as coming within my own knowledge. I was president of the court-martial.

2954. What was the particular offence for which he was tried?—Striking a non-commissioned officer and resisting his authority.

2955. That man bore a high character, from his courage, and so forth, in the company?—He did.

2956. After he had been punished for that offence, did the rest of the company show any dislike to his company, or mark any contempt of him, in consequence of his punishment?—No, I think not. The man became submissive afterwards, and it was a very striking instance of the power of corporal punishment. I am not an advocate for frequent corporal punishment, but I think it is desirable that the power should rest in the hands of the officers.

2957. Are you of opinion it would be advisable to do away with corporal punishment in the Army?—No, I think not. As at present constituted, it would be difficult to govern the description of men we have in the Army without having recourse to it, unless some other punishment could be substituted; and I think the knowledge that the power rests in the hands of the officers has a great moral effect in preventing crimes,—the knowledge that such punishments may follow the commission of them.

2958. In using the expression, "unless some other punishment could be substituted," what other punishment do you look to be substituted?—I have not considered that.

2959. Are you of opinion that, supposing it was possible to make solitary confinement effectual, and also imprisonment with real hard labour, they might be substituted so as entirely to do away even with the power of inflicting corporal punishment?—Certainly not, in the field.

2960. Speaking of this country, and your own garrison at Woolwich, are you of opinion that, in those situations, punishments might be substituted to the entire exclusion of corporal punishment?—No; I should not like to see it tried. We had an instance last year of a soldier quartered in the Tower of London who went, without provocation, into the room of the company serjeant, and violently assaulted him. He was brought down to Woolwich, tried by court martial, and received two hundred lashes. The very next day, after parade, another soldier left his quarters at Woolwich without leave, and went to the same serjeant's room, and assaulted him. He was also brought down, tried by court martial, and flogged.

2961. You found punishment had not an effect upon those men?—No; but these cases showed a spirit of insubordination requiring strong measures to check.

2962. Have you had more insubordination since the punishments have been less frequent?—Yes, we have. I think that the men had an idea, two or three years back, that the officers would not resort to corporal punishment, and that they in consequence resisted the authority of the non-commissioned officers.

2963. Did that notion arise from anything which had taken place?—I think, from the public prints, and discussions in Parliament.

2964. Were there any particular circumstances relating to the serjeant which had led to that result?—No; we could not trace out any cause for the feeling. The serjeant was not unpopular. It was a singular thing that the second man, who was of another battalion, should have gone expressly to London. On entering the room, he said, "You were the cause of such a man being flogged yesterday, and I am come to pay you off." I think, in such instances, flogging has a good effect, and that a prompt example is necessary to be made. In cases of imprisonment, a man is marched off to Maidstone gaol, and he is thought little of afterwards.

2965. Did those two punishments check any disposition to resist the non-commissioned officers?—Yes, I think it had an effect for a time, from the degree of determination shown to punish the offenders at the moment.

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2966. Have you had an opportunity of ascertaining the feeling of the men as to corporal punishment, whether they consider the power of enforcing it a degradation to the service?—I do not think that the good men feel that it is a punishment that a man who conducts himself fairly ever subjects himself to. They see that it rarely falls to the lot of any but the very worst behaved of their comrades, and they feel that they deserve it.

2967. Have you ever seen cases in which a man's society has been shunned by his comrades in consequence of his having been corporally punished?—No, I do not think that exists to any great degree; but notoriously bad characters are often shunned for their conduct.

2968. When a soldier of the Artillery commits a disgraceful offence, such as thieving for instance, and is punished for it at the halberds, is it your custom to get rid of that man by drumming him out of the regiment?—When we can obtain permission for it, we are anxious to do so; and we have had more men dismissed of late, when Sir James Kempt was master-general, than formerly. It is the same men that commit crimes over and over again; and I think that if there was more facility for putting bad men out of the service, it would have a very good effect.

2969. Your men in the Artillery do not, in general, wish for their discharge?—No, not until their pensions are high; but a man is generally fairly worn out after twenty-one years' service in the Artillery.

2970. Generally speaking, they are not anxious to obtain their discharge?—I think not.

2971. Therefore the fact of dismissing a man from the regiment is, in some respects, a punishment?—Yes; many of them dread it very much; and I think it has had a salutary effect.

2972. The getting rid of men who are constantly committing crimes must have a good effect in enabling the officers to maintain the discipline of the regiment?—Undoubtedly.

2973. Is it your opinion that the power of getting rid of such men should be extended to commanding officers, that they might have recourse to it more frequently than they do now?—I think that when a man has frequently committed crimes, and is decidedly of a bad character, it is very beneficial to the service that he should be got rid of; for he passes a great part of his time in confinement, and throws his duty upon the good men.

2974. Have you any difficulty in obtaining recruits for the Artillery?—I think not.

2975. Are the recruits generally superior men to those who enlist in the Line, or the Guards? are they the sons of more respectable people?—Not generally, I think; but I am hardly able to say. Perhaps our service is a more favourite one, from the pay and advantages.

2976. Where you have been quartered with other regiments, either of the Line or the Guards, have you found that your men are, generally speaking, of a superior class to theirs?—I am rather proud of my own corps. Perhaps it is hardly fair that I should answer that question.

2977. Have your men, generally, a better education than those that enlist into the Line and the Guards?—We get a great many of all classes; many of a better description, and a great many Irishmen, and others, that have no better pursuit in life, and come into the Army as a resource.

2978. Do you find those men of superior station, you speak of, are more easily managed as soldiers than the common agricultural labourers, or men of that description?—I had rather have the agricultural labourers as soldiers; I think they make very good ones, and answer for the Artillery service particularly well.

2979. Do you think, generally, they make better soldiers than the men you have been speaking of?—At first, they are of a more loutish appearance, and seem to want intelligence, but the generality of them turn out smart good soldiers.

2980. Are there more non-commissioned officers made from that class of men than from the superior class, of which you have been speaking, and of whom you say there are some in the regiment?—Those men that attend to the improvement of their education, by attending to the regimental school, always get on; but a great many of the agricultural recruits we get can neither read nor write; and from the dislike a grown man has to go to school, so many of them are not brought forward as we would wish.

2981. Upon the whole, are you of opinion that the men of the class of agricultural labourers are the best recruits that can be obtained for the regiment?—I think they make the best soldiers: I mean it rather in contradistinction to those recruited in the manufacturing districts.

2982. Is that on account of their physical qualities, or their different education?—I think they are in general more moral, well-disposed men, and are better conducted, as well as of greater physical power.

2983. You have never established any distinction in the Artillery for good behaviour, by some mark upon their dress, a riband, or anything of that sort?—No; we have only the good-conduct book established in the Army.

2984. You have had a good many Waterloo medal men in the regiment?—A great many.

2985. Were those men proud of that distinction?—Decidedly so.

2986. Did the other men of the regiment look up to that?—They certainly envy them that distinction; but it was given indiscriminately to all present in the action, not for individual good conduct.

2987. Do you think it would have been a severe punishment to any of those men to have been deprived of that medal?—I should think it would.

2988. Supposing an order of merit was established in the Army, under regulations, and that a man who had served a certain number of years with a good character, obtained a distinction of that sort, do you think that would be the means of maintaining the discipline of the

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Army, and at the same time of enabling you to get better soldiers?—I think it would, especially if accompanied with the means of getting rid of the bad characters.

2989. Do you think that the man who wore it would prize it as the men you state to have prized the Waterloo medal?—I think they would. Perhaps they would value it from a different feeling; but I am sure the soldier would be proud of such a distinction.

2990. If the man were stripped of it by the sentence of a court martial at the head of the regiment, do you think he would view that as a punishment?—I am sure he would; he would feel it as a degradation.

2991. You consider that that would be an improvement in the Army?—Yes; I think a *stimulus* to a man to behave well would be rightly appreciated. We have very few rewards in the Army.

2992. Do you think that if an order of merit were established, that would induce a superior class of men to enter the Army?—I am hardly able to speak to that.

2993. You were never out on the recruiting service?—No, never.

2994. But, upon the general principle, you apprehend that any rewards or distinctions would have the effect of rendering the service more popular?—Yes, I should think they would.

2995. The great root of all military crimes is drunkenness, is it not?—Decidedly.

2996. Would it tend to check that offence if the commanding officers had a summary power of inflicting a fine upon a person who committed that offence, without reference to any court martial?—The taking away the means by which he could procure liquor would have an effect, no doubt. I think a great deal of it arises from idleness, though the duty is not easier, but harder than it used to be. The men have not the same employment for their leisure time as when they had to keep their arms bright, &c. They were employed at times when they are now idle, in consequence of their arms being browned; and I think, from soldiers having few resources to occupy or amuse them when off duty, that they fall into temptation. Artillery soldiers have more duty in fact to do, but they have intervals during which they have no employment.

2997. Were you on service in the Peninsula?—No; I was there for a short time, but not actually employed.

2998. You had no opportunity of seeing the discipline of the foreign armies?—No, not much. My service has been a good deal in the Mediterranean, the Cape of Good Hope, and Canada.

2999. Have you many men serving in the Artillery who were born in the regiment?—Yes, a great many. They are all anxious to get their sons into the regiment, particularly so.

3000. Do you find that those men generally turn out well?—Yes, I think they do; they are attached to the regiment.

3001. They have, of course, all been educated in the regimental schools?—Generally; they endeavour to get them first made drummers, and from that they get into the ranks.

3002. Do many of them become non-commissioned officers?—A great proportion.

3003. Is there any allotment of accommodation of barracks at Woolwich for women?—Not within the barracks. We allow our married men who are well behaved, to live out, and there are one hundred huts erected for married soldiers.

3004. Are any allowed to be in barracks?—None in the barrack rooms with the single men.

3005. What would you do then with the married man,—you must separate him from his wife?—If they are ill conducted so that they cannot be trusted out, the man must be brought into barracks and mess with the single men. The wife, if she cannot support herself, must go to the parish. There have been instances, but it happens very rarely; the man knows the penalty hanging over him, and we very seldom have recourse to bringing them into barracks. If they marry without leave of the commanding officers they are considered still as single men, and are not allowed to live out of the barracks; and there are frequent complaints in such cases from the parish of the expense of maintaining the family.

3006. What is the strength of your companies?—Seventy-six rank and file.

3007. Do you recollect the proportion of married men whose wives are with the regiment?—No; but I am sorry to say it is very numerous. They marry too much, more than we like, but there is no way of preventing it.

3008. They are allowed to embark women, according to the regulations of the Army, six women to a hundred?—Yes; but they find their way out, in other ways, to the colonies.

3009. Do you think it at all possible to prevent soldiers marrying?—No, I do not: a clergyman would never refuse to marry a man because he is a soldier.

3010. All that the commanding officer can do is to withhold his consent?—Yes.

3011. The meaning of that is, that if a soldier marries without the consent of the commanding officer he does not obtain the usual mode of accommodation in barracks, and of transport in case of their going out?—Yes, the woman is not acknowledged: he is considered as a single man.

3012. Do not you think that is very detrimental to recruiting the Army?—I consider that when a man enlists he thinks very little of that.

3013. From your experience have you found that the discharging soldiers of very bad character from the regiment has led other men to commit crimes with a view to obtaining their discharge?—No, I think not. I do not think that they act badly to obtain their discharges, but that they are very much taken aback when they find it has that effect. Many have expressed themselves so. When they have been about to be discharged for bad conduct they then found that they had gone too far, and expressed their very great dismay at it.

3014. That they felt they were better off as soldiers than they were likely to be in another situation?—Yes.

[*The Witness withdrew.*]

*Friday, 15th May,* 1835.

The Right Hon. Lord WHARNCLIFFE, in the Chair.

Major *Arthur Du Bourdieu,* of the Provisional Battalion, was examined as follows:

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3015. Do you command a provisional battalion at Chatham?—Yes.

3016. How is that provisional battalion composed?—Of the depôt companies of the regiments that are stationed in New South Wales and India.

3017. How many regiments are there?—Twenty-four.

3018. How many men does that battalion consist of?—One thousand six hundred and twenty, including non-commissioned officers; one thousand five hundred and sixteen privates.

3019. Besides the recruits which compose the battalion, are there any old soldiers, old privates, attached to the depôts of the regiments?—There are; there are many sent home invalided, who are found fit for European service, who are not fit for Indian service.

3020. Out of this number of men, one thousand five hundred and sixteen privates that are present by this return, what proportion of them are old soldiers, and what proportion recruits? —To the best of my recollection, I should say there were not fifty old soldiers, or perhaps sixty or seventy.

3021. With respect to the non-commissioned officers that belong to this battalion, are they non-commissioned officers that are selected from the regiments for the purpose of being left at the depôt, or are they non-commissioned officers that are left in consequence of sickness, or some reason or other, when their regiment is embarked?—No; they are selected for that particular duty.

3022. For what particular qualities are they selected? are they selected as being infirm men, or not fit for the climate to which the regiment is going, or are they selected as being superior men as non-commissioned officers?—They are selected as being superior men as non-commissioned officers; that is the selection I have had made for nearly the last five years. I take care now that none but proper men are selected.

3023. Do you appoint those non-commissioned officers?—If there are vacancies I do. If I find that there are corporals who are fit to be promoted to serjeants, I recommend them to the general commanding in chief, who authorizes their appointment.

3024. Then the original selection is in the commanding officer?—Yes, in concurrence with me the commanding officers of the regiments select the men that are most fit for the duty; and in addition to this question with regard to the promotion of corporals, if there are privates among the recruits that are thought fit to be promoted to corporals, they are also recommended and appointed accordingly, under the sanction of the general commanding in chief.

3025. Are there many instances in which you have recommended these recruits to be promoted to the rank of corporals?—Many.

3026. How long do these recruits usually remain at the depôt before they join the regiment? —They embark from the latter end of June to the middle of August, and at that time all the men are sent out that are calculated to have been about two months at the depôt, to join the regiment.

3027. So that, upon an average, they remain with you from six to nine months?—Yes.

3028. Of course these recruits come to you from all parts of Great Britain and Ireland?—Yes?

3029. Do you find that the men from any particular parts of the United Kingdom, are better than they are from others?—I find the recruits that are taken from the agricultural counties are always better and more tractable than those that are taken from the manufacturing towns.

3030. Do you find any difference between the recruits that come from Scotland and the recruits that come from England and Ireland?—I find the recruits that come from Scotland are certainly steadier than those that I get from either of the other two countries. They are not so ready certainly in learning their duty, but they are more tractable, and give less trouble.

3031. Do you find that the recruits from Scotland are better educated than those from England and Ireland?—Yes; I find they are so in general.

3032. You find that they can generally read and write?—Yes; they generally all read and write that come from Scotland.

3033. And have they not some knowledge of arithmetic?—Yes, I rather think they have.

3034. Then are we to understand that you think the recruits from Scotland are superior in point of conduct, and also better educated, than those from the other parts of the United Kingdom?—Yes; I think they are so in general.

3035. And are we also to understand that you think the recruits that come from the agricultural counties are in general more amenable to discipline than those from the manufacturing towns?—In general they are more amenable to discipline than those we get from the towns and the manufacturing districts.

3036. Now with respect to Ireland, is there any difference in respect to the characters of the recruits, that you perceive, as they come from different parts of Ireland?—Yes, there is a great deal of difference; those from the north of Ireland I consider a better description of recruits; they are better educated and more amenable to discipline.

3037. Then are we to understand that the recruits from those parts of the kingdom which you say produce the best men, compose the class from which you select the non-commissioned officers in general?—I select them without reference to the county or town. I select those whom I find behave the best, without reference to either religion or country. The man who behaves best, and is recommended to me for so doing, is the person I select.

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3038. How many years have you been in command of the depôt?—Nearly five years. I had the formation of the battalion.

3039. During that time have you had occasion to inflict many corporal punishments?—I scarcely ever have inflicted corporal punishment.

3040. When you say "scarcely ever," do you mean to say you never have?—I mean I have had scarcely an instance, that is, in my own battalion. The district courts martial are composed of a higher degree of courts martial, and of course whatever sentence comes from them must be carried into execution.

3041. Has there been any sentence of a district court martial, by which any of the men in the provisional battalion have been sentenced to corporal punishment?—Yes, there have been a few instances. Nine old soldiers have been sentenced to corporal punishment in four years and five months.

3042. For what sort of offences have these men been sentenced to corporal punishment?—For stealing, and also for insubordination, desertion, and making away with necessaries.

3043. Do you remember what description of recruits those men belonged to?—They were old soldiers.

3044. Of course you have had several offences among the recruits?—I have had a number of irregularities, and I have at times been obliged to bring them to a court martial.

3045. What punishment has been inflicted upon those persons?—Solitary confinement, in some instances; and in some imprisonment with hard labour.

3046. How has the punishment of solitary confinement been carried into execution?—It has been both in Maidstone gaol, and in the cells of the garrison at Chatham.

3047. Have you conveniences in the garrison at Chatham to make that punishment effectual?—The cells that are there are proper for the purpose of solitary confinement, but they are not numerous enough.

3048. When the sentence of imprisonment with hard labour has been passed, how has that been carried into execution?—It has been carried into execution both in Maidstone gaol and in the garrison at Chatham.

3049. What means have you in the garrison at Chatham for carrying that sentence into execution?—We have means under the superintendence of the engineer department, by breaking stones in the engineers' yard, for the public roads within the lines of the garrison.

3050. And at Maidstone gaol it is carried into execution by means of the treadmill?—Yes.

3051. Now, with regard to the punishment of imprisonment with hard labour, do you find the imprisonment with hard labour, that hard labour being the breaking of stones, in the way you have described, an effectual punishment for the suppression of crime?—For those young soldiers I consider it more expedient that they should suffer that punishment than corporal punishment.

3052. But have you found that it answered the purpose of deterring them from committing the offences for which they underwent that punishment?—In some instances it did; in fact, generally, I think it had that effect.

3053. With respect to the other mode of carrying the sentence into execution at Maidstone gaol, how have you found that mode of carrying it into execution work with respect to deterring them from committing those offences?—I have found that it has had much the same effect.

3054. Supposing those offences to have been punished by a tying up at the halberds, is it your opinion that that would have had more effect or less, as an example, in deterring the rest from committing the same offences?—It might have had more effect in the way of example, but I have an objection to sending out those young men with such short service (for I call them young when they are only from 18 to 22,) with the marks of infamy on their backs to the regiment.

3055. Supposing the offence to have been committed by the old soldiers who remain in the battalion, should you have then had the same doubt with respect to the propriety of inflicting corporal punishment upon them that you have with respect to the recruits?—No, not with respect to the disgrace, I should not. I have looked over those men's former convictions that came before me, before I would decide upon a court martial, and I have found that those men have many of them been flogged in India, and in the different regiments they came from; and therefore, in my opinion, it is of very little consequence what punishment they have.

3056. Supposing one of those old soldiers had committed an offence for which he was amenable to punishment, and you wished to inflict such a punishment upon him as would be an example to the recruits, which punishment would you inflict, corporal punishment, or hard labour in gaol?—The most severe punishment I could inflict would be the corporal punishment.

3057. Which would be the most effectual for the sake of example to those who witnessed it? would it be that of corporal punishment, or the marching the man off to Maidstone gaol, in order to be confined to hard labour?—I think the corporal punishment would be the most effectual in the way of example.

3058. Then your object in avoiding corporal punishment, as far as respects recruits, is, that you do not like to inflict that sort of punishment upon the young soldier which would have the effect of sending him out to the regiment with the disgrace that he has been so punished?—Yes; because the man always carries the marks upon him which exposes him to disgrace: it exposes him afterwards to his comrades for ever, to be pointed out as a man who has been sent out to the regiment with the record of his having been so punished; whereas, if he has only been at the treadmill or in solitary confinement, he has an opportunity of redeeming his character again, and perhaps becoming a good man. I sent out, I think, to one regiment, last year, the 62d, about 300 men, and they were raised in a very great hurry; and the greater part of them were from Ireland, and they gave a great deal of trouble. I had great patience

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with them, and I adopted different intermediate punishments, such as solitary confinement, and so on. I had a report from the captain, both at Madras, and since they have joined their regiment at Moulmein, that they have behaved themselves well. He mentions, in his note to me, that all the young men whom we have recommended to be non-commissioned officers, during the passage out have been promoted.

3059. Have you ever commanded any regular regiment in the service?—No; I have had the command of the left wing of the 5th Regiment, in the West Indies, about nine or ten years ago.

3060. At that time corporal punishments were more frequent in the Army than they are now?—They were.

3061. While you commanded that wing of the 5th Regiment in the West Indies, had you occasion frequently to inflict corporal punishment there?—No.

3062. Had you any occasion?—Upon recollection, I think, one.

3063. In what manner did you keep up the discipline of the regiment without corporal punishment?—By solitary imprisonment.

3064. What means had you of carrying that into execution?—There were cells there.

3065. You did without corporal punishment, as far as you recollect?—As far as I recollect, we did, with one exception; it was not a long time, not perhaps more than eight, nine, or ten months. It was upon the death of one of the field officers.

3066. Are you aware, whether, in the other wing of the regiment, corporal punishments were inflicted during that period?—I believe very seldom. It gives trouble to prevent it, but corporal punishments can be prevented by constant attention.

3067. Supposing that the power of inflicting corporal punishment had been entirely taken away while you commanded the wing of the 5th Regiment, do you think, in that case, you could have carried on the discipline of the regiment?—I do not.

3068. Do you think, in order to give greater power to maintain the discipline, it is absolutely necessary to your authority that such recourse to corporal punishment should still remain?—I do, certainly, in what we call the grave offences of the Army, and for this reason,—that grave offences, when committed in the field, must be punished in a summary manner, and if you have not either that, or some more severe punishment to revert to, your authority certainly must be greatly diminished.

3069. When you speak of a more severe punishment, do you mean the punishment of death?—There are some crimes, of course—for instance, such as desertion over to the enemy—for which you cannot avoid that.

3070. When you speak of being obliged to substitute a more severe punishment in the field, in case you do away with corporal punishment, do you mean to advert to the punishment of death in such cases?—I do not see any other. I have had a very long experience with the 5th, since 1799, in the service.

3071. Did you serve in the Peninsula?—Yes, during a great part of the Peninsular war.

3072. From your experience in the Peninsula and other places, but more especially in the face of the enemy, does it appear to you to be possible, under those circumstances, that the discipline of the Army could be kept up if the power of inflicting corporal punishment were done away with?—I do not. I began in 1799 with the Duke of York, and I have had every kind of service since.

3073. That is your decided opinion?—That is my decided opinion. You must either do that, or, as in other services, you must resort to the capital punishment. You may, perhaps, carry on the discipline of the Army at home, where you have time and facilities, without corporal punishment.

3074. Now, returning to the Army at home, are you of opinion that, with the facilities that there are now in England for imprisonment with hard labour, and for solitary confinement, that you could keep up the discipline of the Army, if you did away entirely with the power of corporal punishment?—I should say not.

3075. Supposing that the conveniences for executing the sentences of solitary confinement or imprisonment with hard labour were sufficiently complete, do you think that then it would be possible to do away with the power of inflicting corporal punishment in all cases in these islands?—It might; but I do think it will take some time before it will work. The reflection of corporal punishment has been in the minds of the men so long, that doing away with it at once would throw them open, and it would take some time before any punishment would be considered so severe in the eyes of the men as corporal punishment.

3076. By what means would you propose to arrive at a state of things in which you would think it safe to abolish it entirely?—It is a hard question to answer, if I am to put it to a finite time. It is a dangerous thing to try at once. I know that the impression on the men's minds is, that the punishment has been very severe in the Army. If you do away with that, it will be some time before the men will think any other so severe.

3077. Then is your opinion this, that although you think it probable that the necessity for corporal punishment might be gradually got rid of as far as respects these islands, yet you think it would be unsafe, in the present state of things, to abolish it at once?—I do.

3078. Do you think that, by erecting military prisons, with every facility for solitary confinement, and for putting the soldier to hard labour, those cases where it is now thought necessary to inflict corporal punishment would be greatly diminished?—I do certainly.

3079. Do you think that with such an arrangement the cases in which it would be found necessary to inflict corporal punishment would be extremely few?—I do.

3080. Do you think that, by that means, the corporal punishments might, in the course of time, be altogether dispensed with at home in the cases that we have referred to?—I do.

3081. Do you think it might practically be limited to cases arising on the line of march at

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home?—In the case of insubordination, I do not think it should limit the authority of the commanding officer.

3082. Do you think, if all those means are provided which have been enumerated, corporal punishments might be dispensed with at home upon the line of march?—No; I think the power should be reserved to the commanding officer to make use of on the line of march.

3083. Do you think, under the circumstances, it might be safely reserved at home only for cases arising on the line of march?—It requires some consideration to answer that question. I cannot say.

3084. Do you think corporal punishment can be reserved for cases where an immediate impression is required?—I should think so.

3085. You think it may be reserved for those cases only?—Yes; to those cases only where immediate example is necessary.

3086. Then in cases where the sentence of a district court martial is required, and when a considerable time must therefore elapse between the crime and the punishment, do you think that corporal punishment can be done away with, as far as respects these islands, altogether?—I have already said that I would reserve the power to the commanding officer.

3087. Then you imply from that, that an example is necessary to the troops as well as prompt punishment?—Yes, certainly.

3088. When your recruits first join your provisional battalion, is the offence of drunkenness a common offence amongst them?—In a great many instances it is, I am sorry to say.

3089. Does the frequency of that offence increase or diminish as they become more accustomed to the duties of the Army?—I think it diminishes. They bring very drunken and dissolute habits with them now more than they used to do; they are now a very different description of men. I perceived it about nine years ago, when the 5th Regiment came home from the West Indies. We came home as a skeleton, and as we began to fill up I perceived a great deal of difference between those men and the men I had been formerly accustomed to.

3090. Their habits were more drunken?—They were more dissipated in their habits, and what I call reckless; and I find that increasing every day.

3091. Then the discipline which these soldiers underwent improved their habits?—Yes.

3092. Do you find that there is, in any respect, a better class of men, in point of situation in life, come into the Army now than what came into it some ten years ago?—No, I do not.

3093. Have you ever any personal communication with these men, when they first join your battalion, of any sort?—I see every man, and speak to him.

3094. Have you, either from curiosity or any other motive, inquired of them their reasons for enlisting?—In every case I have some conversation with them; and I put very particular questions to them as to who their families were, how they came to enlist, and so forth.

3095. Then, in those cases, what is the general account they give as to the reasons why they enter the Army?—The want of work is the general thing. I can soon find out, from their appearance, whether they have been telling the truth or not, or whether it has been from dissipation and idleness.

3096. In some cases it is from dissipation and idleness, and in some from a want of work?—Yes, in a great many.

3097. Do you find any persons who enter the Army from fancy to the profession?—Yes, there are a number who do.

3098. Now are all these men aware when they enter the Army that they make themselves liable to corporal punishment if they commit certain offences?—I should think so.

3099. Did you ever ask any of them if they were aware of that circumstance?—No, I do not recollect asking that question; it is an awkward question to ask. He would look on me as an enemy instead of a friend.

3100. Is it your impression, from what you have seen, that they take that circumstance into consideration at all as a reason for or against entering the Army?—I do not think they ever give it a second thought. There is one point that will tend to elucidate that opinion. We have got latterly, and particularly the year before last, when we began to raise men for the East India regiments, a considerable number from Ireland, from the disturbed districts, and they were very reckless and very bad characters.

3101. Have you any men under your command that belong to the East India Company's service?—No, they are a separate establishment.

3102. They are also in garrison at Chatham, are they not?—Yes.

3103. Are those men generally of a better class of life than the common recruits?—I think they are. I can only judge from occasional remarks that I have made.

3104. Is their conduct in the garrison superior to that of the men you have under your command?—I think it is. There is another point I wish to bring to the notice of the Commissioners, as they are upon that subject, about the description of recruits. I find now a circumstance which, in former times, was of very rare occurence in the regiment in which I served; that is, people who had committed crimes rendering it necessary that they should be handed over to the civil power. It shows what the description of men is that we now get.

3105. What object have they?—Lately, within the last nine months, I have given up to the civil power at Maidstone two young men, and one old soldier, a man of some service; one of the young soldiers for robbing the store of his depôt, who was transported; the old soldier and the other young man were connected in a forgery business, forging the serjeant's name. The old soldier was transported, and the young soldier was punished with either six or nine months at the treadmill, in consequence of the judge considering him to have been led into it by the old soldier. And I have again, within these last few days, given a young soldier to the civil power, who has been taken up for a murder committed at Dundalk; and yesterday evening I desired two young soldiers to be taken before the magistrate, for robbing their comrade of part

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of ten guineas, which he received last Sunday in a letter from his friends. I wish to mention this to show the description of men we now get into the service.

3106. In the body of men that compose the recruits for the East India Company's Army, have they occasion frequently for punishments of any description?—I have sat as president of district courts martial upon several of their men.

3107. What sentence has been inflicted by the district courts martial upon them?—Either hard labour or solitary confinement.

3108. In certain cases corporal punishment?—No.

3109. What sort of offences do those men generally commit?—I think, either desertion or repeatedly selling their necessaries. We are now progressively withdrawing our parties from the large towns, as much as circumstances will allow, to where we can expect to find a better description of recruits.

3110. Do you find that the crime of insubordination to the non-commissioned officers is more frequent now than when you first entered the service?—I do certainly.

3111. Do you think that if a power were vested in the commanding officer of a regiment, or, in your own instance, of a provisional battalion, of fining a man when he got drunk, that that would have the effect of preventing drunkenness among the young soldiers?—I conceive that if the power were vested in the commanding officer of inflicting a fine, or a penalty, which is the same, of so many days' stoppage of a penny, it would.

3112. Or a half-crown at once?—Yes; but we must take care of the captains of companies.

3113. Supposing, however, that the commanding officer had the power of inflicting a fine up to a certain amount, either by daily stoppage or in one sum, for the offence of drunkenness, do you think that would have the effect of checking that habit in the young soldiers that are under your command?—I certainly do. There is one thing to be observed in regard to Chatham,—the temptation that the young soldiers have there is very great; it is the head-quarters of a division of marines, and those men, as the vessels are paid off, land with a great deal of money, perhaps from ten to fifteen or twenty pounds, after they have been out for three years. This money they have liberty to spend; and of course these other soldiers get among them, to get a share of what is going on, when they also treat their comrades. In fact, it is a scene of nothing but riot and drunkenness as long as it lasts. The public houses are all open, full of females, and a piper and fiddler going on all the time; in fact, with all the temptations of a seaport. I have a great deal of communication with the magistrates there, and I have been informed that there are not more than five inns in the town that are not common brothels. These young men, if they want to stand a treat, sell their necessaries. When I have the men up to tell me how it has happened, if they have any grace in them, they will perhaps tell me how they got into this scrape. There is another thing, which is, that there is a great deal of difficulty in laying hold of the people who have purchased the mens' necessaries; but I have done every thing I can, and I have been successful in several instances in convicting them.

3114. You say that you find insubordination to non-commissioned officers is more frequent now than when you entered the service; will you be good enough to say to what you attribute that vital change for the worse?—I attribute it, in a great measure, to the disturbed state of society, and in general to a diminution of that proper respect; every gentleman must see, in going through the country, that there is not that feeling now that there used to be.

3115. You attribute it generally to a change of tone between the different classes of society?—Yes.

3116. Is it customary in the garrison to dismiss from the service men that have committed very serious offences, and who have been repeatedly tried by court martial?—It is.

3117. You do not apprehend that so doing induces other soldiers to commit crimes with a view of getting their discharge?—Certainly not.

3118. You attribute the greater frequency of instances of insubordination in the Army now, as compared with former times, to the different tone among the different classes of society to each other; can you state to us any instance in which feelings of that sort were shown upon the occasion of the dismissal of any individual from the Army?—I recollect a circumstance that took place with the 5th regiment, at Bolton-le-Moor in Lancashire, where a man was turned out in disgrace, and was discharged with ignominy. He was a man of very bad character; I think it was for being irreclaimable. As soon as he was discharged there was a subscription entered into for him by the inhabitants of the place. Upon recollection there were *two* men, and the same circumstance took place with respect to both.

3119. At that time was that part of Lancashire in any state of disturbance?—We had just succeeded the regiment that had had that serious affair with the rioters in that neighbourhood.

3120. Do you know of any other instance?—When I was also with the 5th regiment in Ireland, there was a man discharged with ignominy for being a thief; and the moment he was turned out of the barrack-gate he was provided with a new suit of clothes, and taken care of by the people.

3121. What part of Ireland was that?—In Galway.

3122. Had there been any particular disturbance in the neighbourhood of Galway within a short time previous to that?—Not that I am aware of.

[*The witness withdrew.*]

Lieutenant-Colonel *Charles Middleton* was examined as follows:

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3123. You command the cavalry depôt at Maidstone?—No, I do not; I am second in command.

3124. Who is the commandant?—Colonel Brotherton.

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3125. How long have you been in that situation?—Nearly six years.

3126. Previous to that what regiment did you serve with?—Previous to that period I was for a few months in the 72nd regiment; I was appointed to that regiment from the Queen's Bays.

3127. Have you always been in the cavalry?—With the exception of those few months when I was in the 72nd, and about five years in the Royals, my service has been in the cavalry. The first cavalry regiment I entered was the 22nd Light Dragoons.

3128. Did you arrive at the command of that regiment of dragoons?—No; never.

3129. What does the depôt at Maidstone consist of? does it consist merely of recruits for the regiments quartered in India, or abroad, or does it consist of detachments from other regiments sent to Maidstone for the purpose of instruction?—It consists partly, at this time, of both; that is to say, the establishment is intended for recruits for the cavalry regiments stationed in India. But there is added to the establishment the riding establishment of the whole cavalry.

3130. How many men are there that belong to the depôts of the India regiments?—The number of men intended for the four regiments in India depends upon the casualties which take place in India; as casualties occur in India we recruit in this country.

3131. But generally speaking, how many men are there under your command in the depôt of that description, including non-commissioned officers?—Upon an average about three hundred; we send out about two hundred annually.

3132. But those two hundred that you send out are privates; there is besides that the establishment of non-commissioned officers?—The two hundred that we send out are privates; we only send lance non-commissioned officers. In the riding establishment there are two men from each dragoon regiment, which amounts to eighty-four; generally a non-commissioned officer and a private, sometimes two non-commissioned officers from each regiment.

3133. You have recruits from all parts of the United Kingdom, have you not?—At present we recruit in England only; but it does not follow that we may not have recruits from all parts of the United Kingdom.

3134. The recruiting parties are entirely in England?—Entirely.

3135. Why do you confine your recruiting parties for the cavalry entirely to England?—That I am hardly able to tell; it is only peculiar to this establishment. Other regiments of dragoons do not confine their recruiting to England; they recruit in other parts of the kingdom. It is left very much to the option of the commanding officer to recruit where he pleases.

3136. Do you know the reason why you are confined positively to England?—I cannot state positively the reason.

3137. Is it supposed that Englishmen make better recruits for the cavalry than the Irish and Scotch?—That is generally the supposition, I believe.

3138. To what do you attribute that circumstance?—The Scotchman is supposed to make a very good infantry soldier, but is not supposed to make so good a cavalry soldier; nor has a Scotchman the same desire to enter the cavalry service that Englishmen have.

3139. Why not?—The habits of a Scotchman are not so much associated with a horse as the English are.

3140. The same reason applies to the Irishmen, does it not?—I should not say the same reason applies to the Irish.

3141. Why not?—It is all a fancy of an officer commanding; but the general idea is that the Irishman is not so steady in his conduct and habits as the Englishman.

3142. What part of England do you prefer recruiting from?—I should prefer recruiting from the agricultural districts, but it is a very difficult thing to find recruits, at times, in agricultural districts; it is not always that we can find them, at least to the extent required, and it is in consequence that we send to the manufacturing districts: we recruit also in London.

3143. You find that the agricultural labourer makes a better recruit for cavalry purposes than the inhabitant of the town?—Certainly.

3144. With respect to the inhabitant of the town, is he better educated, or worse, than the agricultural labourer?—We find the inhabitants of the town are generally better educated, that is to say, they can read and write.

3145. And know a little of arithmetic?—Yes; the men belonging to the four India regiments, at present at the cavalry depôt, are recruited principally from the manufacturing districts, and from London; but, out of three hundred and six men, there are no less than forty who can neither read nor write.

3146. But still you do not find them so good for your purposes as the agricultural labourer?—No, certainly not the class of individuals from the towns who enlist.

3147. Do you find it more difficult to bring them under discipline?—We do. Men habituated to irregular habits, as this class generally are before they enlist, do not submit so well to discipline and order as the agricultural labourer.

3148. Are they more given to drunkenness, and offences of that sort?—They are more given to irregularities.

3149. In your depôt, have you had many occasions, since you went there, of having recourse to corporal punishment?—I have been nearly six years at the cavalry depôt, and during that time two instances only have occurred where corporal punishment was inflicted.

3150. What were the offences for which that punishment was inflicted?—The first of those two, which I think occurred about five years ago, was for theft; the last which occurred is only of very recent date, and that was for insubordination.

3151. Of course there have been other offences committed amongst these men?—There have.

3152. What punishments have been inflicted for those other offences?—In the first instance

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we have recourse generally to admonition; if that fails, extra drill, and a species of drill which we call kit drill, that is to say, drill with all his necessaries on; and extra guards are given occasionally.

3153. What punishments are inflicted by the court martial generally, when corporal punishment is not inflicted?—Solitary confinement and imprisonment with hard labour, are the punishments generally inflicted by our courts martial.

3154. Where do you put the sentence of solitary confinement into execution?—At the gaol of Maidstone.

3155. And where that of imprisonment with hard labour?—There also.

3156. Have you no cells at Maidstone?—We have; but they are not well adapted for the purpose. We find that the punishment of solitary confinement is carried into execution with much better effect in Maidstone gaol.

3157. What effect have you found that the punishment of solitary confinement, or imprisonment with hard labour, has had in deterring the persons who suffered those punishments from committing the same offences?—That question must be answered generally. With some men we find it has a good effect; with others (and they are generally the worst characters), no punishment you can inflict has the effect of deterring them from a repetition of the offence; hence it is that many of those individuals are always either in the guard-room, in gaol, or in hospital, in consequence of their own vices and irregular conduct.

3158. But with respect to example, do you find that the sentencing a man to solitary confinement, or imprisonment with hard labour, has a good effect, in the way of example, upon the other soldiers who are in the depôt?—I should think, certainly, it has that effect; a dread of punishment no doubt prevents crime.

3159. Now comparing that with corporal punishment, has corporal punishment more or less effect in deterring the person punished from committing the same offence again, than the other punishment to which we have alluded?—In answering this question, I must confine my remarks principally to the establishment which has been more under my own observation. I have already said that there have been only two instances of corporal punishment that have occurred during the time I was there. There are certain crimes in which I conceive it would be necessary to have recourse to corporal punishment, not only as a punishment for the offence committed, but likewise for the sake of example; and I have no doubt but corporal punishment would have a better and a greater effect in deterring individuals guilty of such crimes, than any other mode of punishment.

3160. What offences are those you allude to?—Direct insubordination. I will give an instance, which occurred very recently upon the parade, where I was reading the sentence of a district court martial upon a prisoner who was tried for desertion, and who was sentenced by a garrison court martial at Chatham, to imprisonment with hard labour. After reading the sentence to him in front of the parade, he took off his cap and hurraed. That I consider an act of dangerous insubordination, that could hardly be passed over without inflicting corporal punishment, not only for the sake of the punishment to the individual, but also for the sake of the example, in order to deter others from committing a similar offence.

3161. Was any notice taken of that act of his at the time?—Not at the time; the circumstance was reported to the adjutant-general, as doubts arose in the mind of the commanding officer as to whether he ought not first to undergo the punishment that had previously been awarded to him by a superior court martial.

3162. Were any proceedings had upon it?—A court martial was afterwards held, and the man was punished by corporal punishment; he was sentenced to receive two hundred lashes.

3163. And he received his punishment at the place?—Yes.

3164. What effect did the infliction of that punishment appear to have upon those who had witnessed his previous act of insubordination?—I should consider it had a very beneficial effect, when it is considered the occurrence took place principally in the presence of a body of young recruits, who might, and some no doubt would, follow so bad and dangerous an example, if allowed to pass with impunity.

3165. Did you happen to hear the opinions of any of those who witnessed it?—No, I did not. I can only judge of a circumstance of this nature from what I suppose would be the natural consequences upon the minds of men who witnessed both the act of insubordination and the result which followed. I do not concur in the opinion entertained by some persons, that corporal punishment necessarily hardens the individuals upon whom it is inflicted, much less upon those witnessing it. Indeed I believe the persons to whom this mode of punishment is generally applied, are in nine cases out of ten, so debased in character, and so insensible to every right feeling, that no punishment will ever have much effect in reclaiming them. Still it would be dangerous in the extreme to allow such men to commit crime with impunity, and there would be considerable danger in discharging them from the service with disgrace, unless they were transported as felons.

3166. Was the man previously of bad character?—He was.

3167. Has the effect of that corporal punishment upon him been good, as far as he is concerned?—The man is still undergoing his punishment. He wrote a very penitent letter to the commanding officer.

3168. Was the man in a state of intoxication?—No, he was not. The first thing we did was to examine him before the adjutant and the garrison serjeant-major, as well as other individuals, as to that fact; besides which he was taken from the guard room, where he could have no access to anything that could intoxicate him. He had previously shown symptoms of insolence and insubordination.

3169. Did you consider that conduct of his, with respect to his hat and so forth, to have

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been a *bravado* in consequence of the nature of the punishment to which he was sentenced, or was it from a desire, generally speaking, to shew that he did not care for any punishment whatever?—I consider it was a species of *bravado*, and as shewing a contempt for the description of punishment that had been awarded him. It was so considered by all the officers who witnessed the scene on parade.

3170. In case that man's sentence had been corporal punishment instead of confinement in gaol, do you suppose that he would have committed this second act of insubordination?—Certainly not.

3171. You avoid, in the depôt, inflicting corporal punishment as much as you can?—Certainly we do. I hold, that in all military matters, it is necessary to teach the soldier his duty first as a soldier, before you can expect him to perform those duties. Irregularities, therefore, committed by recruits, before they can be supposed to know or understand their duties as soldiers, are at first dealt with very leniently. We are soon enabled to distinguish between those who commit irregularities through mere ignorance, and those who do so from bad disposition.

3172. And therefore you are tender with them at the beginning?—Yes.

3173. And you avoid as much as you can inflicting corporal punishment?—Certainly.

3174. From your experience, supposing the power of inflicting corporal punishment were in every case taken from you, do you think it would be possible to carry on the discipline of the depôt, which is under your command, satisfactorily?—I apprehend not, as the British Army is at this moment recruited. I consider the power necessary to uphold discipline and subordination.

3175. When you say as the British Army is now recruited, do you mean with reference to the class of persons who are recruits, or to any other circumstance?—I mean with reference to the class of men who are admitted into the service as recruits. According to the existing system, any man may get into the Army without reference to character, provided he is physically fit: hence it is that the very dregs of society get into it.

3176. Then supposing any such alteration to be made as would induce a better class of persons to come into the Army, do you think that then military discipline might be preserved, entirely abolishing the lash?—I have very great doubts whether it would be proper to take away the power of inflicting corporal punishment. I think it could hardly be done with safety, although I am no advocate for corporal punishment when it can be possibly avoided. At all events the power should not be taken away until the alteration or system having the abolition of corporal punishment in view, should be first tried, and found to answer.

3177. You have been upon service in the field in the face of an enemy?—I have.

3178. In what regiments did you serve?—In the 22nd Light Dragoons.

3179. Whereabouts?—I was at the taking of the island of Java, and three years afterwards in the Mahratta war in India.

3180. In the case of service in the field, in the face of an enemy, do you think it would be possible to carry on the discipline of the Army without the power of inflicting corporal punishment?—I certainly think not.

3181. Do you think it would be more possible to dispense with corporal punishment within these islands, under present circumstances, and with your present means of solitary confinement, or with hard labour, than either in the colonies or upon service?—Certainly it would; but in saying this I do not admit its practicability within these islands, without incurring danger which it would not be wise to risk.

3182. If military prisons were established throughout Great Britain and Ireland, giving every facility to the execution of those sentences, do you think it would be possible, in that case, to do away with corporal punishment, as far as respects these islands?—I think not, because I hold that there are certain crimes for which it is necessary, by way of example to others, to inflict immediate punishment, and punishment, to have effect, must be immediate. I can state another instance in which corporal punishment was absolutely necessary, according to my opinion. It was upon the occasion of a man being awarded kit drill as a punishment; that man sat down, and refused to move. Now I conceive that species of passive insubordination fully as dangerous as what I term active insubordination. This may appear to some a trifling instance of insubordination, but it and similar instances, apparently of no great moment, would only be the commencement of setting authority at defiance, and which, if permitted, would soon overthrow all discipline and subordination.

3183. Was the man sober at the time?—Perfectly sober.

3184. What happened to him?—The commanding officer was very lenient to him. He had him tried by a detachment court martial, which has precisely the same power as a regimental court martial.

3185. What was he sentenced to?—I am not quite sure what he was sentenced to, whether it was confinement or imprisonment with hard labour.

3186. Did he undergo that punishment?—Yes, he underwent that punishment; but that is a case in which I conceive it would be necessary to inflict corporal punishment, for the reasons I have already stated.

3187. Did the lenient manner in which that man was punished induce others to commit a similar offence?—Individuals have afterwards, under pretence of being ill, refused to undergo the punishment to which they had been ordered.

3188. Do you conceive that, in that instance, corporal punishment would have been a more effectual example than the sentence of confinement?—I conceive it would, with a view of deterring others; because, if one man can do it with impunity, it follows others can do the same thing, and therefore it is necessary to have some control.

3189. Was it the commanding officer that awarded the kit drill?—Yes; it was the commanding officer whose orders he refused to obey.

3190. Is the offence of drunkenness a very common offence among your recruits?—It is

not so common among recruits as it is among old soldiers, more especially those who have been abroad. *Lieut.-Col. Charles Middleton.*

3191. Is it not so common among the recruits as among the old soldiers?—I should say not.

3192. Do you find, generally speaking, great difficulty in bringing the young men that are brought to you as recruits under discipline, or do they submit in a short time to the rules of a military life?—There are many exceptions, but I think generally they submit quietly to military discipline.

3193. Have you ever had any conversations with any of the recruits shortly after they have arrived at the depôt?—I have often asked the recruits whether they felt comfortable.

3194. Did you ever inquire into their motives for enlisting?—Yes, I have very frequently.

3195. What do you generally find to have been the motive that has induced them to enter the Army?—I am sorry to say, in general, in nine cases out of ten, it is necessity?

3196. Pecuniary necessity, or having got into a scrape, do you mean?—Perhaps both. We find in the cavalry depôt that the extreme classes of society enlist, also the idle and the dissolute of all trades and occupations; in short, that class who become unfit for any other settled mode of life, and who enter the Army as a last resource, often debased in character and unruly in conduct.

3197. That is to say, you find there are certain persons, some of whose parents are in a much better condition of life than others?—Yes.

3198. Do you find the persons of that description more amenable to discipline than the persons in the lower classes?—No, we do not; people of that kind are generally people who have lived an irregular life previous to enlisting.

3199. Does not the circumstance of the recruits that go to Maidstone being limited to the four regiments in India induce men of a superior class to enlist in those corps, with a view of being ordered to a remote part of the world?—That I believe to be the case. There is another class of individuals also who enlist, who in many instances subsequently purchase their discharge: there are a great many of that kind, and immense sums of money are credited to the public by that.

3200. Are such men as those more amenable to discipline?—Yes; we find them to be of a better class of society.

3201. What are the motives that induce their friends to obtain their discharge?—They are very often individuals who run away from their friends, who sometimes find by accident where they are.

3202. Do you ever find, amongst those persons, men who enlist from a real wish to enter the service?—I do; but many of those frequently afterwards purchase their discharge. I should say about one in every seventeen, of all the men who join the depôt, do so.

3203. With respect to the circumstance of their purchasing their discharge, do you attribute it to a dislike to the profession after trying it?—Not always; on the contrary, we have had instances of men who have purchased their discharge, and enlisted again, sometimes as often as three times. Broken-down gentlemen do not generally make good soldiers, and a great many of that class enlist.

3204. Are all those persons of whom you have been speaking quite aware at the time of their enlistment that they are liable to corporal punishment in case of committing certain offences?—Certainly so; they would know that from the Articles of War, which are regularly read to the recruits independent of the small book which every soldier is now required to have in his possession.

3205. But are they aware at the time of their enlistment?—Yes; because the magistrate is, by law, obliged to read over certain clauses of the Mutiny Act to them.

3206. In your communication with these recruits, have you ever found that the idea of being subject to corporal punishment has been an inducement to them to obtain their discharge afterwards in the way you have mentioned?—No, I think not. I think it has never entered into their consideration. I think it is the interest of a good and regular soldier that the discipline should be upheld, as much as it is the interest of the officer. A good and regular soldier has nothing to apprehend from punishment, and I believe he feels his character tarnished by the misconduct of his bad companions as much as the officer does.

3207. Among the old soldiers, do you think there is much wish to obtain their discharge?—No, certainly not.

3208. Generally speaking, in the Army, do you think that, after a man has served a certain time, he has a great desire to obtain his discharge?—I think not.

3209. Are we to understand that your opinion, upon the whole, with respect to corporal punishment, is that, although you would diminish the frequency of it as much as possible, you still think it absolutely necessary to retain the power?—That is precisely my opinion.

[*The witness withdrew.*]

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*Monday, 4th May,* 1835.

The Right Hon. Lord WHARNCLIFFE in the Chair.

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Colonel Lord *Frederick Fitzclarence,* was examined as follows:

3210. How long have you been in the Army?—Twenty years. *Col. Lord Frederick Fitzclarence.*

3211. Are you on full pay?—I am on full pay, being aide-de-camp to the King, and assistant adjutant-general at the Horse Guards.

*Col. Lord Frederick Fitzclarence.*

3212. When did you serve first as a regimental officer?—I obtained my first commission in the Coldstream Guards in 1814.

3213. What situation were you in when you went on half-pay?—I held the command of the 7th Royal Fusiliers.

3214. How long did you command the 7th Fusiliers?—Five years; I also previously held the command of the 11th Foot for three years.

3215. Whereabouts were you quartered during that time?—In the Mediterranean with the Fusiliers, except for a short period with the depôt in England. During the period of my command of the 11th Regiment it was stationed in Ireland.

3216. Where in the Mediterranean?—At Corfu and Malta.

3217. At Corfu and Malta the temptations to men to get drunk are very great?—They are, from their having plenty of money, and spirituous liquors being extremely cheap.

3218. When you say plenty of money, you mean to say their pay is of more value there than it is in England, as compared to the price of provision and other articles?—Yes, particularly with regard to spirits.

3219. Had you great difficulty in correcting those habits of drunkenness in the regiment, when you commanded it?—Great difficulty undoubtedly.

3220. What description of punishment did you find most effectual, for the purpose of controlling that habit?—The stopping of the men's rations of spirits (for drunkenness off duty), which up to 1830 were allowed to the troops abroad, had a very beneficial effect. Unfortunately, as I humbly think, the higher authorities took away the spirit rations, and in lieu thereof, allowed the men a penny a-day extra, which of course enabled the soldier to have a penny more at his own disposal, and in the case of a soldier on guard, he has the penny for two days coming to him, in addition to his daily pay. After I left the regiment I was informed that drunkenness had increased to a very great degree, which I attribute greatly to the above cause. I never took the soldier's ration of spirits from him except for the crime of drunkenness, and then only for a certain number of days. The habit of the British Army is, after the roll call or evening parade, for the men to think they may get drunk, if not on duty.

3221. That is to say they are never inquired after from the moment of evening parade till the morning?—No, in some few well regulated regiments and in the Foot Guards that licence is not acknowledged. I pursued this system after a certain time in the Fusiliers, taking notice of every man drunk of an evening, and by degrees I stopped it to an extraordinary extent; certainly the average used to be, when I first took an account of the number of men drunk of an evening in that warm climate where liquor was cheap, from fifty to sixty at least, who were incapable of being turned out an hour after they went to bed.

3222. Do you mean to say that you confined them to the barracks after the evening parade, or how did you confine them?—No, I did not confine them.

3223. The time at which they used to get drunk was after the evening parade, and before they came into barracks at night?—Yes; I should probably have explained, in reply to the previous question, that on finding the great extent to which drunkenness prevailed, it appeared to me important to do away the impression which the soldier seemed to entertain, that so long as he appeared sober for parade and for duty, he was at liberty to indulge in that way if he thought proper. In fact he had been led to consider drunkenness to the extent I have mentioned not as an offence against discipline. Amongst other expedients to repress as far as possible this evil, I commenced by establishing a rule founded in some degree upon the principle since adopted and laid down in the Articles of War. I caused it to be explained that any soldier found drunk a *second* time within a month, off duty, would render himself liable to punishment. After a time, and with the unceasing co-operation of my officers, drunkenness greatly diminished. I was led, therefore, to extend the period to two months, and subsequently to three. I should not be warranted in saying that it was altogether subdued, but certainly it was by these means in a great degree repressed.

3224. Did you find the men take advantage generally of this periodical permission?—No; I did not. On the contrary, after the first two or three months, I found few instances of the offence being repeated. They began, in fact, to feel the benefit and comfort of sobriety.

3225. When they were allowed a penny a day instead of liquor, do you apprehend the stoppage of their penny a day would have the effect to as great a degree as the stoppage of the liquor itself?—It is very doubtful whether the stoppage of a penny a day had the same effect as would have been produced by stoppage of the daily allowance of liquor; the latter form of stoppage would, I conceive, be preferable, especially if the canteen system were subjected to some modification so as to remove the present facility afforded to obtaining liquor. The only effective way, perhaps, with the drunkard, is to mulct him of the liquor ration, and to prevent access to the canteen for the same period, indeed no canteen ought to be permitted to sell spirits or wine.

3226. At home no liquor is allowed, but only the penny a day?—Yes, just the same as abroad, now.

3227. Liquor has never been allowed in Great Britain or Ireland?—Yes, they were allowed to have beer bought for them the same as any other part of their messing. I found the system before adverted to with regard to stopping drunkenness of an evening when off duty succeed so fully and to such an extent, that I could hardly believe the reports to be correct, and with a view to ascertain the fact, I went myself on several occasions and got the evening tattoo reports, when the numbers were (on on one occasion) seven men drunk out of the whole battalion, which consisted of five hundred men. I then turned out the regiment; I moved them by threes and by fours, and there were only *six* men drunk at that hour, being an hour or an

hour and a half after tattoo, the seventh man having become sober in that time, which proved to me most fully that the reports were perfectly correct.

3228. Do you attribute their getting drunk at that time in the evening to the want of amusement or employment of the soldiers?—There is no doubt that idleness greatly promotes tippling and drunkenness, and that much would be gained by encouraging manly and rational amusements while off duty.

3229. Supposing there were in the barracks places for recreation, such as playing at fives, and so on, do you think that would have an effect?—Yes, these active amusements, however, are not altogether free from objection. I had fives, balls, skittles, cricket, and, in fact, every English game for the men, but I thought the playing together heated them and made them drink. With regard to this question, I would suggest that a supper after evening parade would be probably beneficial to morals and discipline, no less than to the health of the soldier. I was enabled to ascertain the efficacy of it at the augmentation of the Army in 1824, when in the 11th regiment, we had a considerable number of recruits. Being anxious to get them forward, it was necessary they should undergo hard drilling, and I thought there should be a meal between dinner and the breakfast of the following morning. I therefore instituted a supper, consisting of bread and coffee, and found the best results to attend it. If such an arrangement were generally adopted, and coals and candles allowed in sufficient quantity to make the men's rooms comfortable, it would probably keep the men from the public houses, and induce them to remain in their rooms in preference.

3230. While you were in the command of the 7th regiment, for offences which required a greater punishment than it was in the power of the commanding officer to give, what sentences were passed on the prisoners brought before courts martial?—They were of two kinds, corporal punishment and imprisonment.

3231. Which was the most generally had recourse to, imprisonment or corporal punishment?—Latterly imprisonment, except for the crimes of drunkenness on guard and insubordination to a non-commissioned officer and direct disobedience of orders.

3232. Those particular crimes were always punished by corporal punishment?—Yes, invariably, from which cause I am happy to say I had very few such cases.

3233. Where a man was sentenced to imprisonment, was he sentenced to imprisonment with hard labour?—We had no hard labour at Malta.

3234. You had no convenience for carrying a sentence of that description into execution?—No, none at Malta.

3235. What effect did the punishment of simple imprisonment seem to have upon the men?—I should imagine it must have an effect upon the men, because the crimes did not increase, but on the contrary they diminished; but the possibility of a sentence of corporal punishment being awarded might also have deterred them from the commission of crime.

3236. Had you any opportunity of confining the men solitarily?—No, we had none, when I say that they had the power of hearing the soldiers parade and hearing the soldiers in the barrack room.

3237. Were they confined in the military prison or the common gaol of the place?—In the military cells, with a serjeant over them.

3238. In the barracks?—Yes.

3239. There was of course a civil gaol in Malta?—Yes, but we never put them into the colonial gaol.

3240. You never had an opportunity of seeing the effect of sending soldiers to a common county gaol in England?—No, I was too young when I was in the Guards to see its effects.

3241. When the sentence to imprisonment had been pronounced by a court martial, that was of course read at the head of the regiment?—Yes, always.

3242. And equally when the sentence was a sentence of corporal punishment, that was read and the punishment inflicted at the head of the regiment?—Yes, invariably.

3243. Are you of opinion that the reading the sentence of imprisonment in that way had as much effect on the minds of the soldiers who heard it as the sight of the infliction of corporal punishment?—Certainly not.

3244. You think the sight of the corporal punishment has much greater effect in preventing others committing the same offence?—Most unquestionably, particularly as the soldiers are aware, which they always are, that the individual is punished justly and after a fair trial.

3245. With respect to the man who suffers the punishment, did you afterwards find that it degraded the man in the eyes of his comrades?—It appears to be very doubtful that there is particular disgrace in this punishment when awarded by a court martial, it being borne in mind how that court is composed, and that it is the result of an impartial investigation of the offence by officers bound by an oath to administer justice according to their conscience. Corporal punishment, when awarded, is certainly not generally thought by the soldiery to be, in itself, peculiarly disgraceful, if not awarded as the penalty of a disgraceful action.

3246. So that the after treatment of the soldier by his comrades depended more upon the nature of his crime than his punishment?—Entirely.

3247. Have you ever known men that have suffered corporal punishment reclaimed and become good soldiers after their punishment?—It has heretofore been by no means unusual for men who have suffered corporal punishment, in those days when it was more in use than it now is, to become excellent soldiers afterwards.

3248. So as to be promoted to be non-commissioned officers?—Yes, several.

3249. Have you known any instances in which they have obtained promotion beyond that of non-commissioned officers?—No, not in my time, but I have heard of such things.

3250. Have you ever considered the subject of rewards to soldiers for good behaviour?—There can be no doubt that a judicious system of reward is much required in the British

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service. At present there is scarcely anything to mark meritorious conduct in the private soldier. He has only the probably distant prospect of promotion as a non-commissioned officer, and this is beyond the attainment of the bravest and most orderly soldier unless he can read and write. The effects of an order of merit and some badge of distinction, a medal or ribbon for instance, would be highly beneficial. It would greatly tend to raise the soldier in his own estimation, and to cherish a proper spirit of emulation.

3251. Have you ever seen the effect of anything like an order of merit, or any distinction conferred upon the soldiers for good behaviour after a certain number of years?—Yes, I have known it; first of all in the 71st, where it undoubtedly had a very great effect, from what I have heard from the officers. I recollect a circumstance in the Fusiliers, where we always kept up the commemoration of the battle of Albuera. I had a medal as a pattern sent out to me to approve of; it arrived shortly before the commemoration of this day, which is always the *fête* of the regiment; I gave it to a very old serjeant, who had the honour of serving at that battle, to wear on that occasion. The men were all extremely pleased, and in hopes that those who distinguished themselves would have the same sort of reward; but when I returned home, which I did shortly afterwards, I found it was not generally sanctioned or approved of at head quarters, and I was obliged to give it up. I ought to mention that there was an old soldier who had served at Albuera and through the whole of the war, in which he distinguished himself, and he came to me and said—"Sir, Serjeant So-and-so has got a "medal. I know you have no other; but, Colonel, if you will give me only a ribbon to wear "to-day I shall be the happiest man that ever was in the world." I gave him the ribbon, and the man was very proud and happy.

3252. That was for service in the field?—Yes.

3253. Have you had any of the men who had been at Waterloo?—Yes, there were some who had been transferred into the regiment, and they were naturally very proud of their medals, while the other men were much annoyed for not having a similar distinction for their services in the Peninsula.

3254. Supposing one of those men had committed an offence for which he had been sentenced to be stripped of his medal in the front of the regiment, would that have been considered a punishment?—Certainly; most soldiers have a good deal of proper pride and good feeling that may be worked upon advantageously. Nobody feels kindness and attention more strongly, particularly from an officer whom he respects.

3255. Suppose an order of merit established generally in the Army, and to descend to the lowest rank, to be given for a certain length of service and good behaviour, do you think that would have the effect of stimulating the men to good conduct?—Certainly; but then I should wish to have a distinction made between that for gallantry in the field, and that for good conduct.

3256. You think there should be a distinction made between those who conducted themselves well for a certain length of time and other soldiers?—Certainly.

3257. Do you think that depriving them of that distinction for bad conduct would operate upon the men and upon their comrades?—Certainly.

3258. Are there any other modes you can point out which would have the effect of stimulating the men to good conduct?—The mark of distinction already alluded to, added to the prospect of an honourable retirement at the close of his military career, would probably be all that is practicable. The rates of pension might be higher than at present to reward extraordinary merit.

3259. While you were in the Mediterranean had you ever any applications from men in the regiment to be permitted to return to England on furlough?—I think one or two who had some money left them in England.

3260. Were they permitted to return?—Yes.

3261. Did they in consequence of this money that had been left to them, purchase their discharge or leave the regiment?—One, I know, remained in the regiment; what became of the other I do not remember.

3262. Were you applied to frequently by men to obtain their discharge?—At first when the new warrant came out in 1829, which allowed men to apply for their discharges, like every novelty in the Army the soldiers applied for it very fast.

3263. That went off?—Yes, to a very great degree.

3264. Does it appear to you that the soldiers are generally anxious to obtain their discharges before they have served their twenty-one years?—No, except a very bad man, who wishing to escape the restraints of discipline, may probably be anxious to go.

3265. Do you think that it would promote the discipline of the Army if the commanding officers had a greater latitude given them with respect to the discharging of soldiers who are notoriously ill-conducted persons, and therefore disturb very much the discipline of the regiment?—I should say, as the commanding officer of a regiment, I should like it, but being, as I am now, on the staff at the Horse Guards, I know it would cause a great number of men to be discharged on account of their bad conduct, which, in my opinion, would be holding out an inducement to bad conduct if the men wished to go. Had I been permitted to discharge eight or ten bad characters, my regiment would have been much more easily governed.

3266. Supposing the commanding officer, if not allowed to discharge them, had been allowed to recommend the discharge of those men to the Horse Guards, but that they were not discharged till they had been marked, do you think that would be productive of great advantage?—Of very great advantage. I conceive that example is more felt in the Army than in almost any other situation of life, for the example is at all times before the soldiers, as they are always together.

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3267. Is there not an order that no man shall be interfered with if in liquor, unless he conducts himself in a riotous and disorderly manner?—Yes; but some of them are so knowing that they will walk in quite steady, but that man is still unable to perform his duty, and ought therefore to be reported.

3268. In your opinion should the man that comes in drunk in that manner, but who does not commit any offence of that description, be punished as well as the man who commits an offence, but in a less degree?—Unquestionably, by way of example, and the returns perfectly prove to me that drunkenness might be stopped, as it was in an extraordinary degree in my regiment; and what perhaps is still more strong is, that in the cavalry, where they have a regular parade in the evening (I mean their stable), the men are not allowed to be drunk; if they are they are punished as they would be for being drunk on parade.

3269. What time is the evening parade?—Five, six, and seven. In the Mediterranean generally from half past six to seven.

3270. At what time was the tattoo?—Nine.

3271. So that the soldiers had more than two hours for getting drunk?—Yes.

3272. It was generally dark?—Yes, it was dark in the Mediterranean.

3273. So that the advantage of any such games as have been referred to, could not apply to such cases?—No, not during the hot months; but with regard to games and employments, I instituted a library in my regiment which succeeded beyond measure. In that climate, during the heat of the day, the men are allowed to lie on their beds between breakfast and dinner, and from dinner again till the sun goes down, being a period of between eight and ten hours, during which books were an amusement to them. I got over a large assortment of books, (of course under my control), which increased to a very large extent. I think when I came away there were several hundred volumes; the men took them on guard. It was a great source of amusement and kept them from harm.

3274. Having that library in the regiment, did that induce the soldiers to attend the schools for the purpose of learning to read?—Yes, certainly; I instituted company schools, so that the men had no necessity in that hot climate to go any distance to school, for the school was in the company's rooms. I think, at one time, there were above a hundred in the schools.

3275. You found a great desire on the part of the men to attend them?—Yes.

3276. How did you pay the master for attending those schools?—I did a good deal out of my own pocket.

3277. Are there a great number of men who can read and write?—Yes, there are now.

3278. Of what sort of books was the library composed?—Of military books in a great measure.

3279. Light reading?—All light reading, of course nothing political.

3280. What books on military subjects?—Cox's Life of the Duke of Marlborough, the various Lives of the Duke of Wellington we could pick up, the Life of Nelson, all the Lives of Naval and Military Commanders, and a great number of Voyages and Travels, which they were very fond of reading.

3280*. Any books of science?—No.

3281. Under what regulations did you allow those books to be taken out by the men?—They were never taken out except on guard.

3282. There was a room provided to which they might go?—Yes.

3283. Had the non-commissioned officers any greater advantages than the men in respect of taking books?—Yes, they took them to their mess room.

3284. Are you aware of the time of day that the men sup in the regiments in which the supper has been instituted?—They had it after the evening parade.

3285. Do you think it possible in places where men are kept in barracks in consequence of the effect of the climate, that you can induce them to give up the hour, or hour and a half, or two hours after evening parade, and before the tattoo, to devote it to anything but their amusement?—No, because that is the only time when they are able to take any exercise or recreation in the open air.

3286. After the evening parade is the only time the soldiers have for recreation?—That is the only time when they have any physical recreation by walking, and so on.

3287. They are confined to their barracks during the day?—Yes; they can only read.

3288. Do they read to each other?—Yes, many of them do.

3289. Could more than half the regiment read?—I suppose about that, or one-third.

3290. Taking all those things into consideration, and also the other modes of punishment there are in the Army, are you of opinion it would be possible, in such situations as Malta and Corfu, entirely to do away with corporal punishments in the Army?—Utterly impossible, constituted and recruited as the Army is.

3291. Supposing the Army was recruited of persons of a better class of life, do you think it would then be possible?—It might if bad characters did not creep in.

3292. Do you think there is any class of life from which the men can be drawn which would not produce a certain number of bad characters?—No, that is impossible; certain numbers, I think, will still creep in.

3293. Do you think, that being the fact, it is possible to maintain a sufficient degree of discipline, among such a number of men as compose a regiment, without some punishment hanging over their heads of a nature to enforce the minor punishments which it is in the power of commanding officers to inflict?—It will be impossible to do away with it, because the non-commissioned officers would not be able to carry their orders into execution. They might obey the officers; but I do not think the non-commissioned officers would be obeyed; nor, indeed, the officers, particularly the young officers.

3294. From your experience, do you imagine any species of punishment by mere confine-

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ment, either with or without hard labour, or solitarily, will have the effect of doing away with the necessity of corporal punishment?—No, none. I look upon the immediate punishment of any crime to be of the greatest effect in stopping the soldiers from committing the offence. The immediate punishment is the great object, and that can only be attained by corporal punishment.

3295. That immediate punishment, if it be corporal, cannot be inflicted without the sentence of a court martial?—No; but I speak of corporal punishment only in extreme cases. I am no advocate for it, except in cases of mutinous conduct and drunkenness on guard, falling out of the ranks and marauding, and direct disobedience of orders.

3296. Upon the general question, is the Commission to understand that your opinion is to make corporal punishment as rare as possible in the Army, but still to keep the power of inflicting it?—It may be imagined that this subject has met from me, as it must from every officer who has held the command of a regiment, my most anxious consideration; and the result has confirmed me in the impression that military discipline cannot be maintained unless the power of inflicting corporal punishment is continued. I am persuaded I only partake of the general wish of the officers of the Army, of all ranks, that some other adequate punishment could be substituted; but, upon every consideration I can give the subject, I feel satisfied (and I believe I am borne out in the assertion by officers whose knowledge, judgment, and experience give them a claim to the highest consideration,) that any material change in the military code, tending to diminish the power of commanding officers of regiments in this respect, must be subversive of the well-being and discipline of the Army.

3297. You say you had no means of enforcing hard labour at Malta; had you any means of enforcing it at Corfu during the period you commanded the Fusiliers there?—No, I recollect none at Corfu. At Cephalonia, I recollect, there was breaking stones.

3298. Were the soldiers employed upon the works under the engineers?—Only as artificers; not awarded by court martial.

3299. They were paid?—Yes; the whole of my regiment was away from me on that duty. With regard to the question I have been asked, as to the soldiers' feelings when they were punished, I have always made it a point, shortly after, or the next day after a punishment, to visit the individual in hospital, and have questioned him with regard to his health, and I never saw any man who showed the slightest degree of anger or bad feeling, though it may have been only ten minutes previously that he had been punished. In some instances, and particularly of the Irishmen, they have said,—"Oh, Colonel, I know I deserved it, and you have done right in having punished me."

3300. Have you known instances of offences, connected with soldiers, disconnected with drunkenness?—I have; but they were seldom, very seldom.

3301. Of what nature were those offences?—When I say seldom, I believe I might say never; the staying out of quarters, and their selling necessaries (which is a civil offence), all were connected with liquor.

3302. Either drinking which has been, or which is to come?—Yes.

3303. Have you ever known any instances of insubordination from mere bad temper, not from drinking?—Yes, from sulkiness.

3304. Did that occur often?—No; but I have seen it.

3305. Had you any instances of men being sentenced to transportation from the regiment while you commanded it?—Yes, one.

3306. For what offence?—For mutiny, and raising arms against a non-commissioned officer,

3307. Was the man sent home?—He was, and he was transported to Botany Bay.

3308. Were there more persons concerned in that mutiny?—No; but he was a very bad character.

3309. Did it appear to you that the reading that sentence at the head of the regiment had a considerable effect upon the men?—Yes, certainly it had.

3310. Was the sentence transportation, or death?—Transportation.

3311. Had you an opportunity of communicating with that man after the sentence had been read to him?—No.

3312. You do not know the impression it made on the man's own mind?—No, I do not.

3313. What impression did it make in the regiment, so lenient a sentence for mutiny?—A sentence of transportation has, at all events, the advantage of relieving a regiment from a hardened offender; but I have great doubts whether, on a foreign station, it operates as an example upon the men, and deters them from the commission of crime, particularly if drunkenness happens to prevail to any great extent. The system, as regards the treatment and notice of drunkenness, varies in different regiments serving in the same garrison. My object was to make the soldier feel the disgrace he brought upon himself by habits of drunkenness, and make him aware how subversive it was of all proper military feeling, and that it precluded the possibility of any reliance being placed upon him as relating to his conduct or efficiency. It would be difficult, probably, to establish any uniform system, or give out any particular order as to the manner in which drunkenness ought to be punished; but, as it is the source, or, if I may so express it, the parent of all offences, it would tend much to promote the ends of discipline if greater criminality was more generally attached to instances of drunkenness when off duty. In garrisons composed of several regiments a difference of system in the treatment of the offence leads frequently to discontent and consequent embarrassment. Indeed I could probably cite an instance of the nature I have alluded to.

3314. Was there not a general officer commanding the garrison, or superior officer to the commanders of the battalions?—Yes; and no general officer could use more effectual exertions in enforcing and insuring a strict adherence to the King's regulations; but precautionary arrangements, of the nature I have before alluded to, adopted in a regiment with the view of

repressing drunkenness, are usually left to the judgment and discretion of a commanding officer; whereas, it appears to me that it would tend much to the interest of the service and the ends of discipline if one uniform system was established. *Col. Lord Frederick Fitzclarence.*

3315. Did not that general officer inquire into the interior system of the different regiments?—Yes, certainly; but it was not the custom of the Army, in those days, to attach that importance to that uniformity of discipline in regiments which I conceive to be requisite.

3316. He did not enter into the details?—Not beyond the extent I have already explained with regard to drunkenness off duty.

3317. Notwithstanding the great advantages that resulted, according to your statement, with respect to the Fusiliers?—No evening reports of drunkenness off duty were ever made to the general officer.

3318. Were you ever on service in the field?—I was with the Army of Occupation.

3319. While you were with the Army of Occupation, you were quartered in cantonments, in France?—Yes.

3320. Whereabouts?—I was with them in Paris, and then we went into cantonments near Cambray, and then went into Cambray.

3321. Having then been as it were in an enemy's country, are you of opinion any of those regulations of which you have been speaking, and which have been adopted in garrisons in time of peace, could be kept up when the Army was actually on service?—Impossible, unless where the Army was in barracks.

3322. Therefore all those regulations for the maintaining of discipline can be enforced only during the time of peace, and in barracks?—That is all, and might be when the Army is encamped.

3323. Do you mean when encamped in actual field service?—Yes, when it was tented.

3324. The Army on service is in one place for a short time only, it is moving about?—Yes, but I think that it might be kept up to a degree.

3325. Do you mean without corporal punishment?—No, that would be utterly impossible.

3326. You mean that drunkenness might be checked in a great degree?—Yes, I allude only to drunkenness, and that might be checked to a very great degree, and its natural consequence, crime.

[*The witness withdrew.*]

Lieutenant-Colonel *Charles George James Arbuthnot* was examined as follows:

3327. How long have you been in the Army?—About nineteen years. *Lieut.-Col. C. G. J. Arbuthnot.*

3328. What regiments have you served in?—I have served in the Grenadier Guards, the 28th regiment, the 11th Dragoons, the 63rd regiment, the 72nd Highlanders, and the 90th Light Infantry.

3329. What regiments have you commanded?—I commanded the 72nd Highlanders for a few years, the 90th light infantry for about four years, and the 63rd, whilst I was the senior major, for a short period.

3330. You have not seen any service in the field?—No, never.

3331. During your command of the 72nd, which was a Highland regiment, did you find that the offence of drunkenness was of very common occurrence among the men?—No, I should say not in the 72nd regiment so much as in other regiments; we were recruited in a great measure from the north of Scotland, and had a great number of Highlanders, and I do not think we had so much drunkenness as in other regiments in which I have served.

3332. In that regiment was the discipline very much maintained by means of the men being related to each other, and so forth?—I think it was, in a great measure, previous to our going on foreign service.

3333. When you went on foreign service those means of maintaining discipline failed you?—Yes, they did, I think completely.

3334. Had you frequently occasion to have recourse to corporal punishment in that regiment?—I had frequently recourse to corporal punishment when I first got the command of it; but latterly, in consequence of there being so much discussion about corporal punishment, I felt that if I often made use of that punishment I should be in a position of difficulty, should it be done away with, and I therefore tried to avoid it as much as I could.

3335. Where were you quartered with the 72nd?—At Londonderry; then we went to Dublin, from Dublin to the Tower, and from the Tower to the Cape of Good Hope.

3336. You were at the Cape of Good Hope?—I was.

3337. Did you find that drunkenness increased during your stay at the Cape?—Very much indeed.

3338. Do you attribute that to the cheapness of intoxicating liquor?—I think it was owing in a great measure to the want of anything to amuse or stimulate the men, and that they had recourse to drinking in consequence of the dulness of their life.

3339. Was intoxicating liquor cheap?—Yes, very cheap indeed; a bottle of wine 2½*d.*, and spirits were equally cheap.

3340. Were you quartered in the castle at the Cape?—In the great barracks.

3341. Had the men in the barracks any opportunity of playing at fives, or any game of that description?—Very little; but latterly I established a play for them which was a remarkably good one, and that afforded them some amusement, as they took great interest in it.

3342. You mean theatrical amusement?—Yes; at the Cape there is a great want of any means of amusing the men.

3343. Were you in the habit of confining the men during the day on account of the climate?—No, but during the hot weather, they generally preferred remaining in barracks.

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3344. So that they had their time upon their hands, unless when they were wanted for military purposes?—Yes.

3345. At the Cape had you occasion to inflict corporal punishment on any or many of the men?—On several.

3346. For what description of offences?—Drunkenness on duty almost universally; I hardly know of one exception.

3347. And insubordination arising from drunkenness?—Yes; but chiefly drunkenness on duty.

3348. Had you occasion to inflict punishment for any disgraceful crimes, such as thieving?—No, I do not recollect one instance.

3349. The men in the regiment were in those respects well conducted?—They were particularly well conducted, except as far as drunkenness went.

3350. In cases of drunkenness you had recourse to the minor punishments in the power of the commanding officer?—Yes.

3351. Such as confining them in the barracks, drill with their packs on, and so on?—Yes.

3352. When you had occasion to call for more severe punishments than it was in your power to inflict, what was the sentence of the court martial?—For drunkenness on duty it was generally, as near as possible, two hundred lashes. At that time at the Cape, there were no means of confining men, except solitary confinement for a short period.

3353. Were your sentences to solitary confinement for a lengthened period?—I do not recollect any instance of that.

3354. As you inflicted corporal punishment at that time, did it appear to you that that punishment had the effect of curing the individuals, or deterring the others from committing the same offence?—I should say that generally speaking, it had the effect of deterring the individuals themselves, and also of preventing crime.

3355. Was the offence committed more frequently at your first arrival at the Cape than it was afterwards?—Much more frequently.

3356. Do you attribute the decrease of that frequency to the punishments that were inflicted?—I attribute it to the determination I showed not to allow drunkenness on duty. I told my men I would take severe measures to prevent it.

3357. So that corporal punishment had really the effect you proposed by it?—Quite so.

3358. Where have you been in command of the 90th regiment?—At Portsmouth, Winchester, Edinburgh, Glasgow, Belfast, Dublin, Kilkenny, Naas, and again at Dublin.

3359. So that your service in that regiment has been confined entirely to these islands?—Exactly so.

3360. Both in barracks and in quarters?—Yes.

3361. In that regiment have you had as great a number of instances of drunkenness as you had in the 72nd?—No, not near so much, our drunkenness has been very trifling in that regiment.

3362. To what do you attribute the greater degree of rarity in drunkenness in the 90th from that in the 72nd?—In the first place, to the regiment being continually changed from one place to another, and I also attribute it to their being constantly employed, and having to see their relations and friends, and saving their money for that purpose.

3363. You attribute it in some measure to their having the means of saving their money?—Yes.

3364. And a means of saving their money, which fell in with their habits?—Yes.

3365. Of course you have had some instances both of insubordination and drunkenness?—I have had very trifling instances of insubordination in the 90th.

3366. Generally speaking, you were very much without offences in the 90th?—Generally; our men are a superior description of men, in appearance as well as in conduct.

3367. From whence do you recruit them?—We recruit almost wholly in London, and get excellent recruits, north countrymen generally; I mean from Scotland, from Yorkshire, and Northumberland.

3368. North of Trent, in short?—Yes.

3369. How happens it you are enabled to find a sufficient number of north countrymen in London?—I have a very intelligent serjeant, and intelligent men with him in London; and our height is below the height which the Guards take. The regulation is five feet six and a half, but the average of men we get is from five feet eight and a half to five feet nine and a half. They are men who come up for employment to London, but fail in obtaining it; and I desire my people to take as good characters as they can get, and to be on the watch for these men.

3370. Upon the whole you find this description of men to be exceedingly well behaved?—Remarkably well behaved.

3371. Are they generally of the class of labourers, or a better class of life?—A few of a better class of life, generally from Scotland, but they are almost wholly labourers.

3372. You find those from the north better educated than the other men in general?—Much better educated than the men in general.

3373 Do you mean that the men who come from a higher class are better conducted, and more amenable to discipline than the others?—No, I do not think they are.

3374. Do you find them the contrary?—I find them the contrary.

3375. To what do you attribute that circumstance?—In a great measure to many of them having enlisted in consequence of having displeased their friends, or from vicious habits being obliged to leave their families, and getting into low company. I find that they generally misbehave themselves more than the common labourers.

3376. Your experience in the command of the 90th would not lead you to suppose that men

in a better class of life would be more easily managed than those in the lower classes of life?—I should say decidedly the contrary.

3377. So that if any means were devised to induce men of a better class of life to enter the Army, do you think the Army would be better managed than it is at present?—I should say decidedly not; that if a better and superior class were got, they would give more trouble than the present, and be more difficult to manage.

3378. Do you find those men in the higher class more addicted to drunkenness than the other men;—Not to drunkenness I think, but they are more addicted to the crime of being impertinent to non-commissioned officers, and to idleness, and slovenliness, and dirtiness, and self-will.

3379. Litigious?—Yes, more litigious certainly.

3380. During the time you have commanded the 90th, have you had occasion to have recourse to corporal punishment at all?—Yes, I have had occasion to have recourse to corporal punishment, but I must observe at the same time, that I would have had recourse much more to it if I had had my own way; for I feel that if I had had recourse more to corporal punishment, I should have acted with greater justice towards the good men of my regiment, who object greatly to the punishment by imprisonment, as they have to do not only their own duty but also the duty of those who are imprisoned.

3381. You have also had recourse to the punishment of imprisonment?—Yes.

3382. Have courts martial sentenced men to imprisonment?—Yes, with hard labour and without hard labour, occasionally, and solitary confinement.

3383. Have those sentences been carried into execution in the county gaols?—They have been carried into execution in the county gaols in most places.

3384. Do you find that the men when they come out of the county gaols are better or worse for their confinement?—I should say that they are much worse, and I could give an instance, which is a very curious one, of the society they are thrown into in county gaols. When I was at Kilkenny last July, I had occasion one day to go to the gaol. I had six men in confinement there; two of them were bad men, and the other four for trifling offences. In the same ward with those men I found three felons. I remonstrated with the gaoler for not keeping my men apart; he told me he was desired by the inspecting magistrate to put the felons with my men so that they might have no communication with the other civilians. One of those felons was the principal murderer of Mr. Leonard (a dreadful murder that took place at New Ross,) and was the man who beat his brains out, another was one of the murderers of Mr. Maher, which murder took place about the same time near Kilkenny, and the third was a policeman in for a very bad case of robbery. I immediately took steps to have my men released, with the exception of two who were old offenders, and from frequent confinement were as bad as bad could be, and it would not signify what became of them. I must observe that I believe both the murderers were shortly afterwards executed.

3385. Your opinion was that it would have a tendency to corrupt your own men?—Yes, and not only that, but it injured them so excessively in the eyes of their friends, who do not know the distinction between their being committed for a civil and a military offence.

3386. Where they have been confined in those county gaols, have they generally complained of the hardship of the labour to which they have been subjected?—No; with the exception of one gaol, Glasgow gaol.

3387. Where you had occasion to confine those men in gaol, did you find that after they came out they had a considerable dread of the punishment that had been inflicted upon them?—No, I should say not, and I can give an instance of that. A young man, who was confined twice or three times, I hardly know which, I could do nothing with. After a time I threatened him with corporal punishment; he took but little notice of this, as he expected he would be imprisoned if tried. At last he committed an offence for which I tried him, and he was sentenced to 150 lashes by the court martial; but he felt it so much that I took him down when he had had twenty-seven lashes. He has never been before me since, even for the most trifling offence.

3388. Your impression of imprisonment, with or without hard labour, is, that it is very ineffectual as compared with corporal punishment?—Certainly.

3389. How many instances of corporal punishment have you had in the 90th Regiment, during the four years that you have commanded it?—In 1831 I had fifteen cases, in 1832 nine, in 1833 thirteen, and in 1834 four.

3390. Have you had any means of ascertaining what number of corporal punishments there were in 1830?—That was while the regiment was on foreign service, eighteen.

3391. You have been enabled to decrease the number of corporal punishments?—Yes, to four in the last year, and three of those were for a most disgraceful crime; the men were afterwards discharged with ignominy.

3392. From the experience you have had, even in the 90th Regiment, do you think it would be possible to carry on the discipline of that regiment, without having recourse to corporal punishment in these islands?—I should say decidedly, that if you were to do away with corporal punishment in the 90th Regiment, that regiment, which is now a most efficient one, would immediately become most relaxed and inefficient, and that the cases of insubordination would be at least quadrupled.

3393. You have been enabled to decrease it very much during the last year; there has been actually only one instance of a corporal punishment for a military offence?—Yes; which was twenty-seven lashes.

3394. If the other punishments, to which you have had recourse, have enabled you to conduct the business of the regiment with so small a portion of corporal punishments, do you not look forward to the possibility of doing entirely without corporal punishment?—No; and for this reason: I have many men of bad character to deal with, and I feel that the knowledge

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there is that I have the power to inflict corporal punishment keeps those individuals in good order, whose general conduct would be mutinous and bad if corporal punishment were done away with.

3395. When a man is sentenced by court martial to be confined, that sentence is read at the head of the regiment?—Yes.

3396. Does the reading that sentence appear to have considerable effect upon the soldiers of the regiment?—I think not.

3397. Has the infliction of corporal punishment had considerable effect upon the soldiers of the regiment?—I have punished two, corporally, this year; one was sentenced to two hundred lashes, and I remitted one hundred, and inflicted one hundred; the other was sentenced to one hundred and fifty, and I gave him seventy-five. I have seen a great number of corporal punishments, and I am certain there were not less than from twelve to sixteen men who were obliged to leave the square where the corporal punishment was going on. For the crime that I punished those men with corporal punishment, I have not had one since of that kind, which was for selling necessaries.

3398. Did those men repeat the offence of which they had been guilty?—No; I took some pains to inquire about it when I was in Dublin. My informant was the hospital serjeant. I asked him what the feeling was of a man who had been punished. He was a constant defaulter, I could do nothing with him, he was a young soldier of about twenty-five; this man said he had no idea that he would have corporal punishment, and that it was a lesson to him not to behave improperly in future. This man has not to my knowledge committed a single offence since, though, previous to his being corporally punished, he was constantly in the Guard House, or under punishment.

3399. When you speak as to the effect on the men in their being obliged to fall out, do you apprehend that arose from disgust at the sight of punishment, or the terror that it inspired in the men who witnessed it?—Decidedly from terror.

3400. You are of opinion that however severe that might appear in the eyes of those who witness it, it would have the proper effect of punishment, namely, that of deterring others from committing the same offence?—The effect has been answered.

3401. In respect to the men who have received punishment, do you find that the infliction of corporal punishment hardens them?—No, I think the contrary, and I can bring forward numerous instances of men, who previous to the infliction of it were constant offenders, and now behave well. One instance I can mention of a man punished in 1831, who used to be a very bad character; he is now one of the best behaved men in my regiment, and has never been punished since. Besides this I could bring forward several other cases.

3402. Do the men look upon a man who has been punished as a degraded man?—No, most decidedly and certainly not, if punished for a military offence.

3403. They do not shun his company?—No.

3404. Supposing him to be punished for a disgraceful offence, do they look upon him as a degraded man?—So much so, that the man can hardly remain in the regiment afterwards, as his company is shunned by all.

3405. Where men are repeatedly defaulters, and repeatedly punished afterwards, either corporally or otherwise, does it appear to you that a greater facility in getting rid of those men might tend to a more easy maintenance of discipline in the regiment?—Undoubtedly, in some instances; if we were to get rid of men of very bad character; but, on the other hand, I think it would be holding out a *stimulus* to men to behave ill, if too great a facility was given to their being discharged.

3406. Supposing you never discharged such a man until he had been reported by his commanding officer as being irreclaimable, and at the time of his discharge he was marked or branded in some way, and discharged with ignominy at the head of his regiment, do you think a discharge under such regulations would have the effect of strengthening your hands and preserving the discipline of the regiment?—No, I think there are very few cases for which I would discharge men, though as a commanding officer of the regiment I am anxious to get rid of my bad men, yet if it is put to me how I would act as a commanding officer, looking to the general welfare, I should say it would be a bad practice to discharge men when they committed offences, unless it was for disgraceful conduct or heinous crimes.

3407. Was the 72nd Regiment at Waterloo?—No, it was not.

3408. Was the 90th?—No.

3409. Have you any men in the regiment who have Waterloo medals?—There are none at present; there were some.

3410. Did it appear to you that the men who had them were proud of them?—I think they were.

3411. So proud, that they would have considered it a punishment to be deprived of them?—I think they would.

3412. Have you ever considered the subject of some distinction being conferred, either by medal or riband, or some mark upon their dress, upon men who had served a certain period with good character?—I have seen that tried in some regiments, but I do not think it has had much effect.

3413. Do you think a man who received a distinction of that sort at the head of his regiment would not prize it?—I think it would be prized by certain individuals, but I do not think the general body of the men care much for such a distinction, unless it is for valour, such as the Waterloo medal.

3414. What description of soldiers do you think would prize that?—A young soldier who was desirous to rise in the regiment, but I do not think the old soldiers would care much for it.

3415. You think that the young would consider it an object of emulation?—Yes.

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3416. Suppose old soldiers who have been twelve or fourteen years in the Army had that given them as a distinction for good conduct, do you think they would not prize it?—At present there is such a distinction given, and I have found that they cared more for the getting a higher pension than obtaining a medal.

3417. You speak of their getting a medal at their discharge, but supposing they had it while they remained in the ranks, would it not have an effect on their minds?—No, certainly not, generally speaking, in my opinion.

3418. Are you aware that the distinction of the legion of honour is conferred upon privates in the French Army?—Yes, but then I maintain there is a very great difference between the French and the English soldiers in their character; the French soldier looks more to that sort of distinction than the English; the English soldier's mind is turned to the attainment of money, that is his object.

3419. That distinction is conferred upon the French soldier, not always for valour in the field, but for good behaviour in the regiment?—I am aware of that.

3420. Do you think the character of the English soldier is such that it would be impossible to excite in him the same sort of feeling as in the French soldiers?—Yes, I think, if you look to the way in which we recruit, and the description of men generally taken in our service compared with the French soldiers. What the English soldier looks to is some substantial good, such as that a man who has served ten years with an unblemished character should get his discharge and a pension at the end of that time. They would look more to this than to the medal for good conduct. A free discharge with a pension would have a much greater effect upon the good soldier.

3421. But supposing it were inconvenient to discharge men at so early a period, do you not think that giving them an order of merit would have the effect of enabling you to maintain discipline?—No, I do not think it would. Such a thing may certainly instil pride into some of them, and that is what one chiefly labours at, but I do not apprehend great advantage will be gained from it.

3422. You do not think those distinctions would have the effect of instilling any degree of pride in all of them?—When the 26th regiment was in Dublin, Colonel Oglander, who commanded it, did everything he could in the way of giving distinctions, and though I was with them in the same barracks for several months, I do not think he ever derived great benefit from it.

3423. It did not induce bad men to improve their conduct?—No, it appeared to me not.

3424. Supposing it came from the King, and not from the commanding officer?—I think that would have much greater effect.

3425. Have you ever had occasion to punish men by stoppage of pay?—In the last Articles of War there is a clause enabling us to do it by regimental court martial, and I have tried it with considerable effect. I think that it had a most beneficial effect.

3426. As a means of restraining the men from drinking?—Yes; there is nothing the men dislike to such an extent as having their pay stopped.

3427. Upon the same principle that you have said before, that the main inducements to an English soldier are matters of money?—Yes, and particularly to the Scotch.

3428. Supposing the commanding officer had the power to fine a soldier summarily for drunkenness in the same way that a civil magistrate has, do you think such a power as that might be of good effect?—I think it would have an excellent effect, but at the same time I would rather leave that power in the hands of a board of two or three officers, regularly detailed, than have it done by the commanding officer himself.

3429. So that the men should be satisfied that it was not done in a moment of excitement?—Yes.

3430. Suppose instead of stopping a penny a-day, the man was fined 5*s.* at a time?—Yes, I would stop it at once.

3431. Would there be any difficulty in doing so in respect of supplying the men with necessaries?—None whatever, I think.

3432. Taking into consideration all the means which the commanding officer has of summary punishment, with the addition referred to—taking also the power of courts martial to inflict the sentences of imprisonment, with hard labour or solitary confinement, and the means of transportation, are you still of opinion it would not be safe to do away entirely with the power of inflicting corporal punishment in these islands?—I am decidedly of opinion that you cannot do away with corporal punishment if the Army is to be maintained in efficiency, for, independent of breaches of military discipline, crimes of a civil nature would frequently occur.

3433. Your opinion is that corporal punishment should be inflicted as seldom as possible, but that the power should be retained?—I do not care, as the commanding officer of a regiment, *under what restrictions* it is allowed to be awarded, but all I care for, if I am to keep my own regiment in a state of efficiency, and in proper order, is, that I may have the power of inflicting it, should I require it.

[*The witness withdrew.*]

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*Tuesday, 19th May,* 1835.

The Right Hon. LORD WHARNCLIFFE in the Chair.

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*A Serjeant-Major* of the Royal Artillery was examined as follows:

*A Serjeant-Major of the Royal Artillery.*

3434. You are serjeant major in a battalion of the Royal Artillery?—I am.

3435. How long have you been serjeant major in the Royal Artillery?—Ten years the 1st of May.

*A Serjeant-Major of the Royal Artillery.*

3436. How long, previous to that, had you been a serjeant?—Ten years and two days.

3437. How long, previous to that, had you been a corporal?—I think I was six years and a half, second and first corporal.

3438. How long had you been a private in the regiment before you became a corporal?—I was enlisted in 1803, and I was promoted in 1809 to a corporal. I began as a drummer.

3439. What age were you then?—Ten years of age. I lost my father in the West Indies. I was enlisted when I returned to Woolwich.

3440. From the year 1803, up to this time, you have been constantly in the regiment?—I have.

3441. Have you been on foreign service?—Yes. I was two years in Portugal and Spain, and subsequently in France with the Army of Occupation for three years.

3442. You were two years in the Peninsula, which of the campaigns were they?—I arrived in Lisbon on 27th November, 1812, and came home with the Army in 1814.

3443. Have you ever been in any of the colonies?—I was in Barbadoes, but was not then enlisted; I was very young.

3444. Since you were enlisted you never were in the colonies?—No; I have served my principal time in the driver corps; on the incorporation of that corps I was transferred to the battalion.

3445. You have been in the service, in fact, two and thirty years?—Yes.

3446. When you first entered the Army there was a great deal more corporal punishment than there is now?—A great deal more.

3447. Can you recollect the time when an alteration was made in that respect, of corporal punishment becoming more rare?—I think it is only a few years since.

3448. Other punishments have been substituted in the room of those corporal punishments of course?—Yes.

3449. What are those other punishments?—Solitary confinement, imprisonment with hard labour, the defaulter's room, with heavy fatigues, knapsack drill, with confinement to barracks.

3450. Is your solitary confinement inflicted in the barracks or by sending the men to Maidstone gaol?—It is inflicted in the barracks, there are cells on purpose.

3451. Are the cells convenient for that purpose?—They are in the rear of the guard room.

3452. Do they prevent any communication either with each other or with the people out of doors?—They cannot have any communication one with another. If a man wishes to come out he must call for the corporal of the defaulters, and he goes and opens the door, so that there is no communication whatever with the prisoners.

3453. Is there no grating to the door, or anything of that sort, by which he can speak to the sentry?—The door is strictly examined when the guard is removed every morning, and if there is any opening, the prisoner is taken out and put into another.

3454. Then you apprehend the confinement is strictly solitary?—Yes, as much so as it can be.

3455. Is there any light in the cell, or is it perfectly dark?—Perfectly dark.

3456. Those imprisoned with hard labour are sent to Maidstone gaol?—Yes. I am sorry to say it has very little effect upon those we are compelled to send. As a proof of which, I have brought the cases of a few that have been there during the last four years. These are extracts I took from the courts martial book.

3457. During the last few years in which you state that the number of corporal punishments have been decreased, you have had some corporal punishments?—There have been some in the battalion I belong to. That is the number which have taken place within the last few years.

[*The witness delivered in the same, which was read as follows:*]

RETURN of the Number of Men who have received Corporal Punishment in the Years 1831, 1832, 1833, and 1834, also showing their general character since.

| 1831 | 1832 | 1833 | 1834 | |
|---|---|---|---|---|
| 1 | .. | .. | .. | Was afterwards tried by garrison court martial. Discharged for *bad conduct*, 31st July 1831. |
| 1 | .. | .. | .. | Five entries for drunkenness and absence. Transferred to another battalion, 1st December 1832. |
| 1 | .. | .. | .. | Two entries, and one regimental court martial. Discharged with a gratuity of twelve months' pay, 31st July 1832, having twenty years' service. |
| 1 | .. | .. | .. | Six entries, four garrison courts martial. Sentenced to corporal punishment in 1832, which was remitted. Discharged as *a disgrace to the regiment*, 22d July, 1833. |
| .. | 1 | .. | .. | Discharged 8th August 1832, as *an incorrigible blackguard, an inefficient soldier, and a disgrace to the corps.* |
| .. | .. | 1 | .. | Three entries, one regimental court martial. Discharged 9th August 1833, *being a disgrace to the regiment.* |
| .. | .. | .. | 1 | Discharged 21st August 1834, *as a disgrace to the regiment.* |
| .. | .. | .. | 1 | Now serving. Character, according to last monthly return, "*indifferent.*" |

*A Serjeant-Major of the Royal Artillery.*

RETURN of the Number of Men who have been sentenced to Imprisonment, with hard labour, in the County gaol, during the Years 1831, 1832, 1833, and 1834.

| Period of Imprisonment. | Entries in Defaulters' Book since Imprisonment, and Remarks. |
|---|---|
| One for sixty days, commencing December 1831. | Eight entries for absence and drunkenness. Tried by two regimental and two garrison courts martial. Discharged 27th June 1833, *for bad conduct.* |
| One for two hundred days in 1832, for deserting from Woolwich. | Eleven entries, six for drunkenness, one for desertion, and four for absence without leave. Tried by three regimental and two district courts martial. Now serving; *no improvement in his conduct.* |
| One for thirty days in 1831. | Ten entries. Two regimental courts martial. Discharged, 8th August 1832, as being *an incorrigible blackguard, an inefficient soldier, and a disgrace to the corps.* |
| One for thirty days in 1831, and one hundred and twenty days in 1834. | Seventeen entries since 1831. Three regimental and one garrison court martial. Now serving; *no improvement in his conduct.* |
| One for ninety days in 1832. | This man was included in the previous return as having been punished in 1831. Discharged 22d July 1833, for *bad conduct, as a disgrace to the regiment.* |

3458. With respect to the men that were sentenced to hard labour, is it your opinion that their being so punished has had an effect as an example upon the other men of the regiment?—The other men have not had an opportunity of seeing the punishment inflicted upon those individuals, and I do not think they felt it, though the individuals might describe it afterwards, yet it was not sufficient to convince a number of them.

3459. In case of corporal punishment do you apprehend that the sight of that punishment has the effect of deterring others from committing the same offence?—I do. I do not think it has much avail upon the individual who receives the punishment; I do not recollect to have known that it has retrieved one, but I have always considered it good, by way of example, to deter other young soldiers.

3460. You think it has had that effect?—Yes, for I have seen ten or twelve young soldiers faint away upon the parade.

3461. Do you think that arose from the sight of the punishment, or terror in seeing so severe a punishment to which they are themselves liable?—I should think the greatest part of it from terror.

3462. Can you speak from your experience to the effect of corporal punishment as operating in the way of example, as compared with the reading the sentence of a court martial, by which the prisoner is to be confined, at the head of the regiment?—It certainly has some effect. I am not any advocate for corporal punishment, but I wish to state that as my impression.

3463. It is rare that you have known a person's character improved by corporal punishment?—I do not recollect a single individual ever being retrieved by it.

3464. You have never known men who were corporally punished afterwards behave well as soldiers?—No, there may be instances of it but I do not know of one at present.

3465. Still less do you know of one who has been promoted to the rank of non-commissioned officer afterwards?—I have heard of men arriving at the rank of adjutant, but I do not know it myself.

3466. Is there any non-commissioned officer in your regiment who has to your knowledge received corporal punishment?—Not to my knowledge.

3467. You have of course been quartered with other troops at times?—Yes.

3468. Do you find that the men in the Artillery are superior to the men in regiments of the Line?—I think there is less crime committed by the Artillery.

3469. Are the Artillerymen of a higher station in life than those of the common run of soldiers?—I cannot speak positively to that, but from the manner in which they are trained up, and the manner in which they are treated, I think they do generally behave better than the generality of men.

3470. Do you know of any men in your regiment of the class above that of labourers or mechanics?—Yes, many.

3471. What description of persons are their parents, or have they been themselves?—During my time as a serjeant-major I have had several who have been very well educated, their parents respectable, in the middle class.

3472. As tradesmen?—Yes; their sons have been brought up to the law and medicine, and so forth, but did not like it.

3473. Have you found that class of men better conducted, and more amenable to discipline, than the class of labourers?—I know that the labouring man, if he is properly handled when he first joins the regiment, is the most fitted for a soldier.

3474. Have you had greater difficulty in bringing those men of superior class of life that you have spoken of, into order, than you have the common labourer?—As far as regards the drill, they will take it up sharper than the ploughman; but I am almost certain that the ploughman makes the best soldier.

3475. He is better conducted and more easily managed?—Yes; he leads a harder life before he joins, and he appears to be contented with his situation, whereas the other has not been accustomed to such usage, and he takes umbrage at it.

3476. The countryman is more obedient?—Yes, he is.

3477. Do your men in general wish for their discharge?—Generally so, after they can leave with that benefit which the country has been kind enough to bestow.

*A Serjeant-Major of the Royal Artillery.*

3478. You mean to say they wish for their discharge after they have served twenty-one years?—Yes.

3479. Do you find that they wish for their discharge sooner than that?—Dissatisfied characters wish for a change, and will make a sacrifice for it.

3480. Are you particular about character, or do you take any one who offers?—The deputy adjutant-general is very particular in giving directions to the recruiting officers on that point. At head-quarters we cannot take a man unless he produces a good character.

3481. In general you reckon that your men are better behaved than the men of the line?—I think I may with safety say so.

3482. Have you ever had any conversation with the recruits on joining the regiment as to their reason for enlisting?—Yes, I have.

3483. What do you find in those cases, generally speaking, to be the reason for their enlisting?—The greatest part I have spoken to say that it is from a desire to join the ranks of the army; others being disappointed persons, who could not get on so well as they expected, have run away, others from female connexions, and so forth; but the greatest part from the desire to join the regiment.

3484. Those men have always been aware when they enlisted that they made themselves amenable to corporal punishment, in case of committing certain offences?—I should think that was thoroughly well known throughout the country.

3485. Did you ever hear any of them say that they had at all hesitated about enlisting on that account?—I do not know that ever I heard the word corporal punishment used, but I have the word pension.

3486. You have heard of their being induced to enlist in consequence of their right to a pension after a certain number of years' service?—Yes.

3487. But you never heard them say that they hesitated about enlisting from the dread of corporal punishment?—No; I have enlisted a great many men, and I have never heard the thing brought forward.

3488. When the men have been confined in Maidstone gaol, do you find that their having been in that gaol and the society they have met with there, have tended to contaminate them, and to make them worse characters than they were before?—I have taken particular notice of that, and I have never observed any improvement. There is one man in the list I have given in, he has been there twice; the last time he was almost a living skeleton on his return; it was as much as we could do to get him back; he conducted himself well till he gained flesh; he was sent to join his company in Ireland, and I see by the return he has returned to his former habits and his character has become indifferent.

3489. In the return of those who have received corporal punishment it appears that several of them have been tried more than once by court martial, and were found quite incorrigible?—Yes, corporal punishment has been the last resource.

3490. The greatest part of their offences arose from the habit of drinking?—I think the greatest part is absence, and that it is occasioned by the drunkenness being taken notice of. To evade returning drunk men will absent themselves for four, five, or six days; on their return they get punished for their absence, which is only a slight punishment; but if they return drunk their names are recorded and hung up in the guard room for twelve months, and when they have committed four offences they lose part of their pay.

3491. Upon the whole almost all the offences arise or are connected in some way or other with the desire of liquor?—Yes, I think the greatest part of them.

3492. The greatest part of the instances of insubordination and insolence to non-commissioned officers arise from drinking, do they not?—The principal part of them do.

3493. In some instances they arise from temper probably?—The non-commissioned officers study their temper, but sometimes where we have a hasty non-commissioned officer and a hasty man, that will produce improper conduct.

3494. When a man comes in drunk is there any order which prevents a non-commissioned officer from touching the man, or saying anything to irritate him?—The order is, if a man comes drunk into barracks, he is to be placed in confinement to prevent his falling into greater error.

3495. Supposing a man who has conducted himself well comes into barracks drunk, what is the first punishment inflicted upon him by way of admonition?—Speaking generally, if it is the first offence, if he is a good man, it is looked over, but the offence must be recorded.

3496. What mode is taken with him the second time?—Very likely three or four days' simple drill, that is four hours' extra drill a-day, with a caution that when he arrives at four times, he will be tried for habitual drunkenness.

3497. Then the third time he is treated more severely?—Yes, and the fourth time he is tried for habitual drunkenness.

3498. Then the consequence of that is that the sentence of a court martial mulcts him of his pay?—Yes, and that is the greatest punishment which can be inflicted upon a soldier.

3499. Suppose a commanding officer had a summary power of inflicting a fine on a man when he got drunk, do you think that would have the effect of checking that offence?—I think they would evade it in the same manner by stopping away till they got sober, but if there was power vested in the hands of commanding officers to check every one for the time he was absent I think that would do good.

3500. What do you mean by checking the man?—Stopping his pay. If you speak to any reasonable soldier, he would say, if he was a mechanic he would not be allowed his pay for the time he was absent,

3501. Therefore you think when he is absent he is not entitled to be paid for his time?—No, certainly not; another man must perform his duty when he is absent.

*A Serjeant-Major of the Royal Artillery.*

3502. You think it would have a considerable effect in preventing the absence of the men? —Yes, I have no doubt it would.

3503. You go through every description of punishment before you come to corporal punishment?—Yes; a man that is not considered fit to remain in the service by his comrades is the man that is punished.

3504. After his punishment he is generally discharged as incorrigible?—I may say nine times out of ten. There is one man who has received corporal punishment twice, and is still serving, but his character is indifferent.

3505. Generally speaking, when a man is punished, he is also drummed out as incorrigible? —He is discharged for bad conduct. There are six of the eight mentioned there, discharged for bad conduct.

3506. Is that tantamount to being discharged with ignominy?—No.

3507. There are cases in which you discharge with ignominy, that is, drumming out?– Yes.

3508. Have you had many instances of that lately?—Not many.

3509. Do you think that has had an effect on the soldiers?—Certainly; any man who feels keenly, would feel very much his seeing a brother soldier deprived of even his buttons on his coat and sent away with disgrace.

3510. Under all those circumstances, is it your opinion the discipline of the Army might be carried on with a system of minor punishments, and an effective system of solitary confinement and imprisonment with hard labour in these islands, without having recourse to corporal punishment?—In garrison, where they have the means of hard labour, I think corporal punishment might be dispensed with, with the exception of three crimes. I have consulted with many non-commissioned officers; they think, for the purpose of keeping up subordination and order, that there should be terror kept over a man's head for striking a superior, for theft, and for aggravated circumstances of desertion.

3511. You are to be understood, that your opinion is that corporal punishment ought to be done away with as much as possible, but that it is necessary for certain crimes?—Yes, that is my opinion.

3512. With respect to foreign service, do you think it would be possible to do away with corporal punishment on foreign service, even to the extent you have stated at home, foreign service referring to service in the face of the enemy?—We have not the means of punishing the men by solitary confinement and hard labour in such cases.

3513. Are the Commissioners to understand that, under circumstances of actual service, it is impossible to do without corporal punishment?—When I landed at Ostend, in charge of men and horses, our duty was very urgent; we were to get up to Ghent as quickly as possible; one of the men got drunk, he struck me and knocked me down, and would not march an inch;—the question was, what was to be done. I made a report, and he received a slight corporal punishment, and proceeded with the party.

3514. You were not at Waterloo?—No, I was too late.

3515. Have you any men in the battalion now who were at Waterloo?—Very few indeed.

3516. Have you known many?—Yes, a great many. I served with the brigade for two years afterwards that was at Waterloo.

3517. In your communications with the officers and men who wore the Waterloo medal, were they proud of it?—They certainly were.

3518. Would they have considered it a severe punishment to be stripped of that medal in front of the regiment?—I think if they have any feeling, it would touch them very sadly.

3519. Supposing there was an order of merit in the Army which gave to every soldier who had conducted himself like a soldier for a certain number of years, a medal, or a riband, or some distinction, do you think that would be prized by the men and non-commissioned officers?—It certainly would, and I am happy that the question has been put, for the country has been good enough to grant a medal and a gratuity to meritorious soldiers, but this is never granted them till they have left the Army six or eight months; it is never seen by the soldier. You will hardly see a man go to the plough with a medal at his breast, but when they are in the Army, it is a distinction which is valuable. I recollect being quartered with the 71st Regiment, who had medals given them by Colonel Pack, and it was esteemed more than anything.

3520. If there was such an order of merit, do you think the depriving the men who misconducted themselves of that distinction, would have a great effect upon them?—I do indeed.

3521. Do you think that would enable you to maintain discipline more easily in your regiment?—I think it would. I have found it during my service better to lead than to drive the men, and giving them medals would give them something to look forward to.

3522. In the course of your service in the Peninsula did you ever happen to fall in with any French soldiers, prisoners or otherwise, who wore the medal of the legion of honour?—I have seen many of them with the legion of honour on their breasts.

3523. Did you ever have any conversation with any of them so as to know their feelings upon the subject?—No, not any.

3524. Is there anything else which you think might be held out as a reward for good behaviour, that would assist you in maintaining the discipline of your regiment?—Perhaps it might be thought selfish on my part if I were to mention that I have frequently heard it remarked, how bad the Army was in not having an opportunity of getting forward the same as the French Army. I have heard this when they thought I was asleep in the guard room.

3525. You mean to say the difficulty of being promoted to the rank of an officer?—Yes.

3526. You think there is a feeling of that sort in the Artillery?—There is.

*A Serjeant-Major of the Royal Artillery.*

3527. The Artillery, especially, requires a superior education on the part of the officer, does it not?—Yes it does.

3528. That degree of education is not easily to be obtained by a soldier, is it?—No, it is not.

3529. There are no instances in the Artillery of men arriving at the rank of officers?—The only thing at present is a quartermaster to each battalion. Since forming the 9th battalion in 1806, there have been but two quartermasters, the second one is now serving, and the second serjeant-major is now serving, that is myself, so that there is very little promotion for the battalion.

3530. What is your pay?—Four shillings and one penny half-penny a day.

3531. You are a married man perhaps?—Yes, and have a family.

3532. Supposing you had been promoted to the rank of lieutenant of the Artillery seven or eight years ago, do you think you should be much better off than you are now?—With a family I am certain I should not; at present I am settled at Woolwich.

3533. Being as you are, with a family, you are better off than if you were an officer?—The only thing we look forward to is a quartermastership.

3534. Are the generality of the non-commissioned officers who have served as long as you have in the Artillery, married or single men?—They are all married.

3535. Do you think it would suit those men, being married, and so forth, to be promoted to the rank of an officer?—If promotion was given to non-commissioned officers in that shape they would be much younger, they would not be so long in the service, they would be very likely single men, then they would benefit by it.

3536. You are aware that a person who gets an officer's commission is put to considerable expense for an outfit?—Yes.

3537. The officers of the Artillery all pass through the college in the first instance?—Yes.

3538. There is no such thing as an officer appointed to the Artillery who has not passed through the military college?—Not at present.

3539. Are there any cases in time of war?—Many.

3540. Do the officers pass any examination as to their education before they get their commissions in time of war, whether they are in the academy or not?—I believe they did not then. I remember a general officer of Artillery who was a private soldier.

3541. Do you know whether he was originally promoted for any action of gallantry or merely for good conduct?—He was a private soldier only when he received his commission, I believe. It must have been through interest, I think.

3542. In the conversation of the soldiers you have overheard, have you ever heard them complain of the existence of corporal punishment in the Army?—I think I have several times.

3543. Have you ever had any conversation with any of them, either non-commissioned officers, or men, at any time, with respect to the possibility of doing away with it?—I have had conversations with the serjeant-majors. Indeed I was only ordered yesterday afternoon; it was my surmise it was for this enquiry I was coming, and I got into conversation with two or three serjeant-majors; I thought that was one of the leading questions, and I took their opinion upon it; and that opinion is just the same as mine, that in garrisons where there are more means of making the soldiers attend to hard labour and solitary confinement, (with those three exceptions I have stated,) corporal punishment might be done away with.

3544. Do you find that when a man has been corporally punished he is avoided by others?—Those that have any respect for themselves will never be seen in his company, but those who have no respect for themselves will keep company with him.

3545. Those who are punished in the Artillery are those who are very bad characters?—Yes, men who have misconducted themselves before.

3546. You do not find much difficulty in obtaining recruits for the Artillery?—We have experienced a good deal of difficulty lately, not having been able to keep up the strength of the regiment.

3547. To what do you attribute that?—I have inquired of several of the recruits, especially those coming from Aberdeen, what was the cause why we did not get recruits as we formerly used to do, and I have been told it was on account of the pensioners; there are so many pensioners that they persuade the young men not to enlist. The pension now, after twenty-four years' service, is to be sixpence a-day when the retirement is optional.

3548. There has been a new warrant on that subject?—Yes.

3549. Is it since the issuing of the new warrant that you find a difficulty in recruiting from that part of the country?—Yes.

3550. Have you found the same difficulty from other parts of the country?—No, I have never put the same question, but we generally get the best of our men from that part of the country, and I have been induced to ask why we do not get them now.

3551. The men from that part are well-educated men?—Yes, very well, and well-conducted men.

3552. Are they principally labourers, or from what class?—Principally labourers, very few mechanics.

3553. You are decidedly of opinion that a labourer is a better soldier, and more easily brought into discipline, than a man in a better condition of life?—Much more so, because he leaves a labourer's life to come to one comparatively easy.

3554. If you had to recruit the regiment, what class of men would you take, the agricultural labourers, or what other class?—The country labourers I would rather have.

3555. More so than the farmers' sons?—I include them with the country labourers.

3556. Men from that condition of life?—Yes.

*A Serjeant-Major of the Royal Artillery.*

3557. Men of an incorrigible character have been discharged from the Royal Artillery and have been punished?—Yes.

3558. Have you found that has induced other men to behave ill, with a view to getting their discharge in other instances?—Within the last year I think we discharged twelve after the yearly inspection. I think it was two or three months before we had any serious offence after that; those twelve characters were generally in trouble and annoyed the whole garrison.

3559. Do you not find that the bad men are confined to a few in each company?—Yes; I have often said, if we could only have a reduction of five men in each company we should have great ease in doing the duty.

3560. Do you think it would assist the discipline if it was made easy for the commanding officer to be permitted to discharge men of that character?—It certainly would, though, in some cases, men perhaps would wish to get from the service, and it would be necessary to check that.

3561. Supposing no man should be so discharged, without being branded or marked in some particular way, do you think that would check it?—If he was discharged without being marked in some way, he would impose upon some other regiment I should fear.

3562. During the war were your men of a better condition than they are now, and more easily managed or less easily?—In war time corporal punishment was frequently resorted to, which kept the men in subjection. Certainly we had worse characters to deal with in war time than we have now. If we had the same characters to deal with now that we had in war time corporal punishment must be more frequently inflicted, though I may say, in war time I think it was too often inflicted, more so than was necessary.

3563. You mean to say that some years ago it was inflicted more frequently than was necessary?—Yes, during the war.

3564. Is it your opinion that corporal punishment is now inflicted more than is absolutely necessary?—No; I speak as to the garrison I belong to; that man must be a very bad man before corporal punishment is inflicted; every means is resorted to before that is resorted to.

3565. Do you believe, that if corporal punishment is necessary in any cases, it is necessary to have that number of lashes inflicted which has been sometimes given, two or three hundred, for instance?—For some years back the number has been limited by regimental court martial to two hundred, garrison court martial to three hundred.

3566. Do you think that the effect of example might be produced without inflicting so great a number of lashes?—That is according to how it is given. I have seen two hundred lashes given as bad as four hundred; in other cases, some, when they receive their corporal punishment, make a great noise, and appear to be very much affected by it, others will hang just like a stone, so that it causes no impression whatever on the young soldiers; those who make a noise and do not appear to like it, cause the greater impression.

3567. Have you any suggestion to make as to the composition of courts martial?—I think there is a system which might be adopted, which would give more general satisfaction to the soldiers than the present, for minor offences, to have them tried by non-commissioned officers and a portion of their own rank only; for instance, if a gunner were tried, that it should be by a serjeant, or a corporal, and three gunners. The men would feel satisfied with the decision, which they do not, in many cases, at present. They think the officers are bound to punish them, and that causes hatred from the soldier to the officers, and the soldier is so often brought into contact with the officer, he does not pay that respect to the officer which he should.

3568. Is the soldier brought more frequently into contact with his officer now than formerly?—The courts martial are more frequent now than they used to be. The officers should decide upon their being tried, and the punishment would be equal to that awarded by the officer, I should think greater; I have seen greater when we were in the habit of punishing by barrack-room courts martial.

3569. It should be considered a reward for soldiers to be admitted into this tribunal?—Yes.

3570. How would you propose to select the men?—A serjeant, corporal, and three gunners, in the case of a gunner being tried.

3571. By a sort of rollster?—Yes, of the good men; a man who has committed himself should not have the honour of sitting on such a court martial.

3572. You would confine it to men who had served a certain length of time in the regiment, and had a certain experience?—Yes, men whose names appear in the good-conduct book, and that cannot take place till a man has been five years in the regiment.

[*The witness withdrew.*]

*A Serjeant of the Royal Horse Artillery* was examined as follows.

*A Serjeant of the Royal Horse Artillery.*

3573. How long have you been in the Artillery?—Twenty-two years.

3574. What countryman are you?—A Scotchman.

3575. From what part of Scotland?—Near Berwick-upon-Tweed.

3576. What age were you when you enlisted?—Eighteen.

3577. How long had you been a private before you were promoted to be a corporal?—Ten years.

3578. How long did you remain a corporal before you were made a serjeant?—I was corporal and bombardier about six years.

3579. Since that you have been a serjeant in the Horse Artillery?—Yes.

3580. You were at Waterloo?—Yes, I was.

3581. Are you proud of that medal you wear?—Yes, I am.

*A Serjeant of the Royal Horse Artillery.*

3582. Suppose you committed an offence and were sentenced to be stripped of that at the head of a regiment, should you feel that a severe punishment?—Yes, I certainly should.

3583. Are there many sentences that could be passed upon you, that you would feel to be more severe than that?—I do not know that there would be.

3584. When you first entered the Artillery were corporal punishments more frequent than they are now?—They were.

3585. Looking back to that time, do you think they were inflicted oftener than was necessary?—No, I do not.

3586. Since that time, however, other punishments have been substituted for corporal punishments?—They have.

3587. Such as what?—As confinement in the dark room, extra drilling, and sending to the county gaol.

3588. And solitary confinement in barracks?—Yes.

3589. When a man has been sent into a county gaol under a sentence of imprisonment, have you found that has had a considerable effect upon the man?—Not much effect.

3590. Not much effect in bettering his character?—No.

3591. Have you known them commit offences over and over again of the same kind, for which they have been committed to gaol?—That is frequently the case.

3592. So that you do not think it has had much effect in reclaiming the person?—No.

3593. With respect to the example, has it much effect in the way of example upon his comrades?—No.

3594. In case of corporal punishment, do you think that has an effect upon the man as correcting his habits?—Not upon the individual punished.

3595. What do you think of its effect upon those who witness it?—Upon a young soldier it has had a considerable effect.

3596. By way of deterring him from committing offences?—Yes.

3597. As corporal punishments are now inflicted in the Artillery, is it your opinion that they are inflicted too often?—It is my opinion they are not inflicted often enough to have their effect.

3598. Is it your opinion that corporal punishment must, in some degree, be retained in the Army?—Yes, I do think so.

3599. In your communications with the men, or what you overhear them say in the barrack-rooms, or on guard, do you think that the men complain of that punishment being retained in the Army?—No, I do not think they do.

3600. Are they pretty well convinced that it is not inflicted but when it is absolutely necessary now-a-days?—Yes; except the most reprobate, and they complain the other way.

3601. Upon service in face of the enemy, do you think it would be possible to do without corporal punishment?—No, I do not.

3602. Would there be any means of enforcing sentences of solitary confinement, or hard labour, under those circumstances?—No, not in face of an enemy.

3603. Are you a married man?—Yes.

3604. What is your pay as serjeant of Artillery?—Two shillings and eightpence farthing, including beer money.

3605. You are in barracks?—No; the married non-commissioned officers, and indeed the married privates, if they are good men, are allowed to sleep out; they have no lodging provided for them.

3606. You have been twenty-two years in the service; if you were discharged, you would be entitled to a pension, would you not?—Yes.

3607. Do you wish for your discharge?—No, not at present.

3608. You are very comfortable as you are?—Yes.

3609. Generally speaking, do you think that men who have served their one-and-twenty years wish for their discharge?—If they have before them the prospect of having situations, perhaps.

3610. As to those who have not served their complete term of twenty-one years, do you think they wish for their discharge?—No.

3611. Have you ever been on the recruiting service?—No.

3612. When you were enlisted, you were aware that you made yourself liable to be punished at the halberds, if you committed certain offences?—Yes; I was perfectly aware of that.

3613. Was that much a matter of consideration with you, when you enlisted?—I was aware that if I behaved myself properly, I should not be brought to the halberds.

3614. You expected to do without it?—Yes.

3615. It did not stand in your way?—No.

3616. Did you enlist because you had a fancy to be in the Army?—Yes.

3617. What trade were you?—I was a stone-mason.

3618. In the Artillery you have some men whose parents are in a better rank of life than the common mechanic?—Yes, we have.

3619. Do you find that class of men better soldiers, and more amenable to discipline, than the common labourer?—No; we do not.

3620. Do you find them more troublesome than the common labourer?—Certainly.

3621. If you were to recruit with labourers, you would prefer the agricultural labourer?—Yes; a man from the plough.

3622. From those classes would you prefer a farmer's son, who has been taught to read and write, to a common day labourer?—A farmer's son I would rather have.

3623. You prefer a man who has been educated to a certain degree?—Yes.

*A Serjeant of the Royal Horse Artillery.*

3624. When those two men, a farmer's son and a labourer, join the regiment, which of them do you find the soonest brought into habits of order and discipline?—The farmer's son.

3625. You can make more impression upon him, because he is better educated, perhaps?—Yes; provided he is not supplied with money from home, which is sometimes the case.

3626. Provided they are supplied with money from home, and they are rather wild, do you find that class of persons more difficult to manage than a common day labourer, who is also of a wild disposition?—No, we do not.

3627. Have you many farmers' sons in the regiment?—Yes, a great many.

3628. When you were on service, did you ever happen to meet with any of the French soldiers who wore the medal of the legion of honour?—Yes, I have.

3629. Do you know whether that medal of the legion of honour is given to them for a certain length of service with good behaviour?—I believe it is given to them for good behaviour and valour in the field.

3630. For good behaviour, even without valour in the field?—Yes.

3631. Were they very proud of that distinction?—I believe they were.

3632. Supposing there were such a thing in our Army, do you think the men would be proud of it?—Yes, but it would not have effect if the soldier was discharged immediately afterwards.

3633. Supposing the men were to have it while serving, as you had your medal, would that have an effect upon the soldiers?—I think it would.

3634. Do you think the depriving him of it in the face of the regiment would have a considerable effect upon them?—Yes, unless it was a blackguard, he would be reckless of himself.

3635. If distinction was given only to men of good character, the blackguard could not get it?—No.

3636. Would it be the means of reclaiming a blackguard holding out that to him?—I do not know indeed.

3637. But it would be an inducement to the young soldier to behave well?—I think it would.

3638. And those who wore it would be respected by their comrades and looked up to?—Yes.

3639. There has been lately a new warrant upon the subject of pensions, has there not?—I believe there has.

3640. Do you know whether you get recruits in the Artillery so well as you did before?—In the Horse Artillery we do not get any, we are supplied from the Foot Artillery.

3641. Have you been always in the Horse Artillery?—I was three years in the Foot.

3642. It is in your particular branch of the service, the Horse Artillery, the farmer's son must be the best man you could get?—Yes, certainly.

3643. Were you accustomed to horses in your youth?—Yes, constantly.

[*The witness withdrew.*]

*A Corporal of the Royal Artillery* was examined as follows:

*A Corporal of the Royal Artillery.*

3644. How long have you been in the Artillery?—Six years. I served before that seven years in the 7th Fusiliers, and was about two years of that time a serjeant. I was a limited service man.

3645. How long have you been a corporal?—Only a twelve-month.

3646. What countryman are you?—From the county of Northumberland.

3647. Where did you enlist?—At Newcastle-upon-Tyne.

3648. What were you before you enlisted?—A labourer.

3649. A farming labourer?—Yes.

3650. From what part of Northumberland?—Near Alnwick.

3651. How came you to enlist?—I had a notion of soldiering, nothing else. It was not for want of work or employment: I was young at the time.

3652. You had a fancy to be a soldier?—Yes.

3653. When you enlisted were you aware that you made yourself liable to be corporally punished if you committed certain offences?—At that time I did not take particular notice of the punishments; not before I enlisted.

3654. You were aware that you were liable to be punished in that way?—Oh, yes.

3655. You did not take particular notice of it?—No.

3656. You did not consider that when you enlisted?—No.

3657. You have seen a considerable number of punishments since?—Yes, a great number.

3658. Both at home and abroad?—Abroad especially.

3659. Where do you mean?—At Corfu and the Ionian Islands.

3660. There you saw severe corporal punishments?—Yes.

3661. What gave occasion for more corporal punishments there than here?—I think it was drink.

3662. Are intoxicating liquors more easily got there?—Yes, and more of them.

3663. Is the soldier's time as much employed there as it is here?—Some parts.

3664. They are confined in their barracks in that country for a certain portion of every day?—From about nine o'clock in the morning till five or six in the afternoon.

3665. Then you go out from five till tattoo time?—Yes.

3666. That is the time the soldiers get drunk, is it not?—Drunk on duty is the principal offence there, but that is the time allowed for getting liquor principally.

3667. You have seen also many persons sent to the prisons during that time?—Yes.

*A Corporal of the Royal Artillery.*

3668. What effect has that imprisonment upon the persons that are confined?—I do not think it has a great deal of effect on a great number.

3669. Do you think it has a great deal of effect in preventing them from committing the same offence again?—No, I think it has not.

3670. How does it operate on the minds of other soldiers?—On young soldiers it might operate, but I do not think it would on others.

3671. Do you think that operates in the way of example?—Yes, I think it would on a good man.

3672. In the case of corporal punishment, what effect has that upon the character of a man who suffers it?—A very degrading one, I think. I think that after a man is punished he never can look up again.

3673. The men who are punished are generally or very often discharged from the service in the Artillery?—Yes.

3674. What effect has the sight of corporal punishment upon those who witness it?—It must have a very great effect on a number; I have seen a number of young soldiers faint away.

3675. Does that arise from the sight?—Yes.

3676. In the way of terror?—Yes.

3677. So as to prevent their committing the same offence?—Yes.

3678. That punishment is now inflicted in the Artillery only in extreme cases?—Yes; only theft, and extreme cases—in very bad cases.

3679. Do you think it is ever inflicted in the Artillery when it is not called for?—I do not.

3680. Do you think you could do without it in the Artillery?—I do not know what kind of punishment to give to such men as receive it; it must be discharging or transporting them. I do not know what punishment could be inflicted upon the men if we did not do that.

3681. Supposing you had the means of putting the men to hard labour, or of confining them strictly solitarily, do you think you could do entirely without corporal punishment?—I think we might in England.

3682. Do you mean by that that you could not abroad?—I think not.

3683. In Corfu, for instance, do you think it would have been possible to have done entirely without corporal punishment?—No, not abroad.

3684. You think the instances of insubordination are more frequent there?—Yes, and it is a great terror to the men, and it is requisite in cases of theft, desertion, and any aggravated cases of violence towards superior officers.

3685. The serjeant who attends with you wears a Waterloo medal: have you any men in your battalion who wear the Waterloo medal?—Yes.

3686. Do the other men look up to them as old soldiers, persons who have distinguished themselves?—Some do and some do not.

3687. Do the good men in the battalion?—Yes, the good men do.

3688. Do you find that the men who wear these medals are proud of them?—Yes, always.

3689. If you had such a medal as that, do you think you should feel proud of it?—Yes, I should.

3690. Suppose you had some distinction given you after you had served a certain number of years, and conducted yourself like a good soldier, you think you should be proud of it?—Yes, I should.

3691. Suppose you committed an offence and were stripped of that distinction in front of your regiment, do you think that would be a great punishment to you?—Yes, very great, I do not know any that would be more so.

3692. Do you think it would be so with other soldiers?—There are some that it would not.

3693. Those are men that would not be likely, from their characters, to get it?—Yes.

3694. On the well-conducted soldiers you think it would have a good effect?—Yes.

3695. Do you think the young soldiers would be desirous to obtain that distinction?—Yes.

3696. And that the fear of losing it would be a considerable check upon them?—Yes.

3697. In what situation of life were you when you enlisted?—I was with my father at the time; he kept a nursery and a farm; I was brought up to the farming business.

3698. You could read and write before you enlisted?—Yes.

3699. Have you a school in the regiment?—Yes.

3700. Do you attend the school?—No, I never have attended the school.

3701. Does the school teach anything beyond reading and writing and the first rules of arithmetic?—No.

3702. Is there a school for non-commissioned officers?—There is in the repository at Woolwich, where drawing and fortification are taught.

3703. Do you attend that school?—I have not been through the course yet; there are only those that go through the course that are allowed to go to that.

3704. Do you wish for your discharge?—No, not unless I had a better situation.

3705. You are comfortable as you are?—Yes.

3706. And you do not wish for your discharge, in fact?—No.

3707. Do the men in general who have not served the twenty-one years wish for their discharge?—No doubt there are a great number of young men often wishing for their discharge.

3708. That is shortly after they have joined the regiment?—Yes, a twelvemonth or two years.

3709. Do you find that after they have served a few years they wish for their discharge?—No, not generally.

3710. Some of the bad ones do?—Yes.

3711. The wish for their discharge is confined very much to the very bad ones and the very young soldiers?—Yes.

*A Corporal of the Royal Artillery.*

3712. Have you ever heard anything said among the men about the composition of courts martial, how far they would wish to have men of their own rank sit in courts martial upon them?—No, I never have.

3713. Were there any company courts martial since you joined?—No.

[*The witness withdrew.*]

*A Private of the Royal Artillery* was examined as follows:

*A Private of the Royal Artillery.*

3714. What countryman are you?—An Irishman, from the county of Antrim.

3715. In what situation of life were you before you enlisted?—I was in no trade at all.

3716. A labourer?—I cannot say that I was a labourer either.

3717. How long have you been in the service?—Nine years the 6th of May last.

3718. Can you read and write?—Yes.

3719. Could you read and write when you joined the regiment?—Yes.

3720. Have you attended the school of the regiment since?—No.

3721. Where have you been since you enlisted? have you been always at Woolwich?—No, I have been in the Ionian Islands.

3722. Anywhere else abroad?—No.

3723. How many years were you there?—Seven years.

3724. In the Ionian Islands there is a great deal of drinking among the soldiers?—Yes, there is.

3725. Is drink easily got at there?—Yes, sometimes it is; it is very cheap.

3726. There is, in point of fact, a good deal of drinking there?—Certainly there is.

3727. Did that drinking produce a great number of instances of insubordination and insolence to their officers and non-commissioned officers?—Yes, it did certainly.

3728. How were those offences punished in general in the Ionian Islands?—There was corporal punishment, a great deal of hard labour, and transportation.

3729. Which appeared to you to be most effectual of those punishments in correcting those offences?—I am not aware of that.

3730. When a man was sentenced to confinement, or to imprisonment with hard labour, do you think it had a great effect upon him?—I think it had a greater effect than corporal punishment.

3731. Was corporal punishment in general inflicted there before imprisonment had been tried with a man?—I do not know, because they resorted to both the ways of punishing the soldiers.

3732. Therefore you do not know whether the confinement had been tried before they were corporally punished or not?—No, I was not aware of that.

3733. Do you know in your own regiment of cases where a man has been corporally punished after having undergone imprisonment for some offences?—I cannot say as to that; I do not recollect.

3734. Did it appear to you when you were in the Ionian Islands that corporal punishment was inflicted oftener than was necessary?—I am not aware; I cannot give an opinion whether it was necessary or not.

3735. Do you think, in those instances where corporal punishment was inflicted, that a better effect would have been produced by imprisonment?—Yes, I think imprisonment would have a better effect on a soldier than corporal punishment. I never knew an instance of a man doing any good after being flogged.

3736. With regard to the effect on those who witness it, do you think that corporal punishment has a good effect on those who witness it?—Yes; I know it has had a great effect in preventing crime on the men that never have been punished, the young soldiers.

3737. You think it has more effect upon them?—Yes; I dare say the thought of the lash has prevented their committing crime.

3738. When a corporal punishment is inflicted at the head of the regiment, do you think it has a great effect in striking terror into the others to prevent their committing an offence?—Yes, it might have that effect.

3739. Do you think the terror is of that sort that it would lead them to avoid committing an offence?—I think it would upon some, upon others it would not.

3740. Those that it would not deter, are they men of determined bad character, or young men?—Men of bad character.

3741. In the Artillery at Woolwich, corporal punishments are very rare, are they not?—Yes, very rare indeed since I have joined head quarters.

3742. When corporal punishments are inflicted there, is it the general impression among the soldiers that it has been well deserved?—Yes, generally for theft, that has been given heartily; no soldier is sorry for another that he sees flogged when he has committed a theft; but that soldier, when he is well again, will commit the theft over again.

3743. The men who commit offences will repeat them?—Yes, flogging will not prevent them.

3744. Have not those incorrigible blackguards been discharged lately from the regiment?—Yes, some of them, but there are some left yet.

3745. Do you think they are apt to commit offences for the purpose of being discharged?—I cannot say that.

3746. Do you think the men in general wish for their discharge before they have served their one-and-twenty years?—No, I do not wish for my discharge, I had rather serve; I cannot answer for others.

3747. Do you think the men repent of being soldiers?—The men about my service would

*A Private of the Royal Artillery.*

rather stop longer, those men that are not bad characters; a man would like to gain pay and pension, and would rather stop.

3748. The men who can get that pension would rather leave the service?—Yes, some of them.

3749. When you enlisted were you aware you would be liable to corporal punishment?—Yes, I was.

3750. Did you take that into consideration?—I did.

3751. That was not strong enough to overcome your fancy to be a soldier?—No.

3752. You thought you could avoid it by behaving well?—Yes; I thought I should never merit it, and I have gone on well so far.

3753. Do you think many men when they enlist take much notice of their being liable to corporal punishment?—Some men do.

3754. Have you many men in your battalion that wear the Waterloo medal?—No; I do not think there are many that are entitled to it; they are mostly young soldiers who are at the head quarters now.

3755. You do remember several, perhaps, who have worn it?—Not many.

3756. Those that do, do you think they take a pride in it?—Certainly they do.

3757. Do you think the other soldiers look up to them?—Yes, certainly; they would have great pride in having a medal.

3758. Suppose a medal, or a ribbon, or some distinction were given for a certain number of years' good conduct in service, do you think that would be prized by the soldiers?—It certainly would.

3759. Would you prize it yourself?—Certainly I would.

3760. Supposing you had such a distinction, and were ordered to be stripped of it at the head of your regiment, would you consider that a great punishment?—Yes, I would consider it as such.

3761. Do you think a good soldier, in general, would consider it as such?—I have no doubt he would.

3762. Do you think that the men would look forward to it, and that the hope of it would have an influence upon their conduct?—I have no doubt that a great many of them would try to get a medal if there was one, and that the hope of it would have its effect upon them.

3763. Do you think that would be a great inducement to young soldiers on joining the regiment to conduct themselves well?—Certainly, I think it would.

3764. Do you look forward to being promoted?—Yes, I do.

3765. How long have you been at home since you came from the Ionian Islands?—Since the 10th of September last.

3766. About how many years do you expect to remain in this country before you embark again?—About eight years.

3767. Do you think the men in general are better behaved at Woolwich than they were in the Ionian Islands, or worse?—I think they are better; there is not so much drink to be got here as there was there.

[*The witness withdrew.*]

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*Monday, 18th May,* 1835.

The Right Hon. Lord WHARNCLIFFE in the Chair.

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*Colonel Sir John Woodford* was examined as follows:

*Colonel Sir John Woodford.*

3768. You command the Grenadier Guards?—Yes.

3769. The lieutenant-colonel of the regiment?—The lieutenant-colonel.

3770. How long have you been lieutenant-colonel?—Since February 1830.

3771. Have you always served in the Grenadier Guards?—I have at times been employed on the staff, but I have always belonged to that regiment.

3772. For how many years?—I joined the first regiment of Guards at the end of 1801.

3773. And you have gone gradually through all the steps to the rank of lieutenant-colonel?—Through all.

3774. How many battalions are there?—Three.

3775. How many remain usually in London, and how many are quartered out of it?—There are seven battalions of Guards, and they take their turn to go to Dublin and Windsor; to Dublin for a year, and to Windsor for six months.

3776. And sometimes to Brighton?—It is only a detachment at Brighton, occasionally sent there from the battalion at Windsor.

3777. Except these changes of quarters, the Guards are stationary in London?—Yes.

3778. Of late years has there been a considerable diminution of corporal punishment in the Guards?—Yes.

3779. And other punishments have been substituted in their room?—Yes.

3780. What have those punishments been?—Imprisonment with hard labour in the public gaols, and solitary confinement, as far as we have had the means of applying it; but those means are too limited, they are insufficient.

3781. In the barracks, or in prisons?—In the barracks only, never in prisons.

3782. Which of the prisons are you in the habit of sending the men to?—Brixton, almost always.

*Colonel Sir John Woodford.*

3783. Do you find that imprisonment at Brixton gaol has the effect of reclaiming the persons who are sent there?—I cannot answer that question otherwise than by saying that some of the men so punished may never repeat the same offence, and others will offend again in the same manner very soon, or within a twelvemonth; but a reclaiming effect generally is hardly to be expected, I should think, from public imprisonment, with free communication amongst the prisoners, as it might be from solitary confinement.

3784. When they come out of Brixton gaol is their physical appearance deteriorated in any degree?—That varies also; some men appear to suffer very much from it, others comparatively little.

3785. Have you yourself ever seen the men whom you sent there at work in Brixton gaol?—I cannot say that I have. I made an application recently for an order for admittance, but I did not apply to the right quarter. I sent to the Secretary of State's office for the Home Department, and was told to go to a magistrate of the county, which I have not yet done.

3786. You do not from your own personal knowledge know what degree of labour these persons are subject to?—Not exactly; I have seen them on the tread-wheel in other prisons. There is some little objection, I think, to a commanding officer's visiting soldiers in a public gaol, unless he had the means of mitigating their punishment, and saw reason to do so. A soldier should feel in a public prison that he has placed himself out of the reach of the authority and protection of his officers by his own misconduct.

3787. Are you aware whether, when they come out of Brixton gaol, they complain heavily of their sufferings in the prison during the time they have been there?—I have not heard of their complaining heavily when they come out; some have complained by letter and through the medium of relations. I believe they think the treadmill a severe punishment now, and find the prison discipline stricter than formerly, when the governors were in the habit of employing some of the soldiers as wardsmen and attendants in various ways, for which they were excused the tread-mill. That was objected to, as defeating the purpose of imprisonment, and I believe is entirely discontinued.

3788. Now, when they are sent to Brixton gaol, they really do go through hard labour?—They do.

3789. Have you found that when these men came out of prison they were less disposed to commit such offences as they were sent for than before?—Sometimes I think that is the case, but sometimes they offend again within a short period.

3790. With respect to the other men of the regiment, did it appear to you that the sending these men to Brixton gaol operated as a considerable example?—I consider it has a deterring effect to a certain degree.

3791. When corporal punishments were more frequent, what effect had that upon the persons who were subjected to it; first, as to themselves, as to their own character?—I should say, generally, not a good effect on their character.

3792. You mean to say that the men seem hardened rather than reformed?—Yes, and, perhaps, sullen and resentful; less disposed to become submissive good soldiers.

3793. A less good effect then than the present mode of confinement in prison with hard labour?—In my opinion it had; solitary confinement taken into the account, which I consider the best kind of punishment.

3794. Then, as to the persons witnessing the corporal punishment; do you conceive that that punishment had more or less effect in deterring them from the commission of crime than the present mode of imprisonment or solitary confinement?—I do not think it was effectual in deterring other men from the same offences, any more than imprisonment is; of course, all severe punishment must, in some degree, have that effect.

3795. But compared with the present mode of punishment?—I think it had not a better effect generally in the long run, in regard to the more serious crimes, for which, only, I suppose corporal punishment is deemed necessary. It used to be too common, and I think corporal punishment sometimes has a tendency to excite an insubordinate and vindictive spirit, which leads men to commit some violence on a future occasion when intoxicated.

3796. Do you conceive that the reading the sentence of a court martial by which a soldier is sentenced to confinement, and his being marched from the parade to that confinement, is as powerful in the way of example as the actual sight of a punishment at the halberds?—At the moment, I should think the sight of a punishment at the halberds must certainly produce a greater sensation among spectators; but it may be strongly mingled with a feeling in favour of the punished comrade, and the latter sentiment in behalf of an offender would not be excited in the same degree by seeing him consigned to a just and necessary, but not a violent, punishment; supposing always the offence purely military.

3797. Then supposing the culprit to have committed an offence which required a speedy punishment, in order to afford an instant example, which do you think would be the most effectual, the sending the man to prison, or punishment at the halberds?—Under particular circumstances of emergency, requiring an instant example, it being understood what such motives should be, corporal punishment would be fittest, and I presume most effectual in impressing fear at the moment. It would be the more effectual for only being resorted to on such occasions of necessity.

3798. Having stated that in your opinion the punishment of imprisonment or solitary confinement is at least as effectual as corporal punishment for the preservation of discipline, do you go so far as to think that corporal punishment might be entirely dispensed with in the Guards?—The opinion I gave was to the effect that I thought corporal punishment when it used to be indiscriminately employed was not more efficacious in preventing the commission of serious crimes than imprisoment and solitary confinement are. The question in doubt would at once be easily disposed of, if it could be demonstrated that discipline, in the most compre-

*Colonel Sir John Woodford.*

hensive sense of the word, could be equally well preserved by the less violent punishments. This can only be proved definitively by time and trial when the substituted punishments are brought to a perfect state. All the common irregularities of soldiers being defined infractions of discipline, it would be too much to suppose that such severe punishment as flogging would not have a greater effect in checking or repressing the minor offences of dissipation and intemperance, when they are, we suppose, repressible to a certain degree by the minor punishments and the restraints of which the barrack system admits, those minor punishments and restraints being supported by the power of a recourse to imprisonment or solitary confinement in cases of repetition or aggravated cases of the same nature; for it is hardly necessary to remark that every kind of military punishment must be rendered imposing by the prospect of a severer one in reserve. But corporal punishment is not now considered applicable to the minor offences, nor would it prevent them entirely if it were to be so applied, and such an application of it would be attended with other evils, and would disturb in other ways the general balance of the system of discipline. But adverting to the more serious offences, desertion, insubordination of a mutinous character, striking serjeants, drunkenness on duty, sleeping when on sentry, selling necessaries, committing theft, I believe that there are fewer of these crimes now than formerly; and, in reply to the latter part of your question, supposing the means of applying the other punishments, imprisonment with hard labour and solitary confinement, to be made better and more complete than they are at present, I am of opinion that corporal punishment might be dispensed with on home service, for common military offences committed under ordinary circumstances.

3799. But still that there are circumstances under which it might be necessary to inflict corporal punishment at home?—Under which it might be necessary to employ it at home, and also when there would be no object in abstaining from employing it.

3800. What do you mean by "when it would not be an object to abstain from employing it?" —I mean in cases of theft, or other disgraceful conduct, for which the offender ought to be dismissed from the service with ignominy.

3801. With respect to insubordination and striking an officer or non-commissioned officer, do you think that in such cases as these corporal punishment ought not be inflicted?—I think it is not necessary that it should then be inflicted, unless in a case of concerted insubordination.

3802. Still in cases of insubordination you would reserve a power of judging how far the case deserved corporal punishment?—I mentioned that it should be concerted insubordination to call necessarily for corporal punishment. I mean when a number of soldiers, more than three, are concerned; then it amounts to a combination of a mutinous character. I think, however, that a second offence of this sort by the same individual might sometimes be properly visited with corporal punishment. I do not see the absolute necessity of inflicting it on every occasion of a blow being offered to a non-commissioned officer by a private in a moment of intoxication, under a sudden impulse, and when perhaps he is frantic from the effect of drinking ardent spirits, and becomes penitent as soon as he is sober. Such a misfortune sometimes may occur to a high-spirited good duty soldier. Nor does this view rest on consideration for the individual offending, although there may sometimes happen to be indiscretion on the part of the superior; but I consider that the reciprocal relations between superiors and those under their command are influenced by the nature of the system of discipline maintained, and are generally better preserved when the offences of the latter against their superiors are sure to be visited with punishment, but with punishment of the kind best calculated to carry to the minds of the offender and his comrades the conviction of its propriety and justice, and such as will not be likely to leave a desire of vengeance to be gratified by him or them at some future opportunity. Violent punishments in their turn suggest violent offences. I may add another remark, which is, that when corporal punishment was in general use, instances of entire pardon were exceedingly frequent. That chance was probably sometimes taken into the soldier's account; and it is known that the certainty of punishment is more effectual in repressing crime than its severity.

3803. Do you mean to apply your answer to the case of striking an officer?—I had not contemplated the crime of striking an officer particularly, because it is an offence cognizable by a general court martial, and to be punished with death or transportation. That offence is of a very rare occurrence. It would be inconsistent, however, to prohibit corporal punishment in the case of an officer being struck when it is applicable to such an offence against a serjeant.

3804. In the answers which you have given to the foregoing questions, do you refer to the Guards only or to the whole Army?—My experience as a commanding officer is confined to the Guards, but, if I might venture to exercise an opinion beyond the sphere of my own duty, I should say I refer to the whole Army; my opinions are given as applicable to soldiers generally.

3805. You have said there are peculiar circumstances even on the home service when it would be necessary to recur to corporal punishment, will you state those circumstances?—On prisoners already undergoing, by sentence of a former court martial, imprisonment or confinement in a cell, guard-room, or prison; on board ship; on the march; under extraordinary circumstances, as of treason, sedition, mutiny, concerted insubordination, or insubordination extending to more than three individuals of the same corps, or for wilful and persevering disobedience of a soldier on parade or under arms to the lawful command of his superior, or for striking or offering violence to an officer; for theft or other disgraceful conduct for which the offender is usually discharged with ignominy; and for the undermentioned crimes, in some cases of a second offence of the kind by the same individual:—drunkenness on duty, sleeping on sentry, striking or using violence to a non-commissioned officer, or using

*Colonel Sir John Woodford.*

insulting and insubordinate language to a non-commissioned officer. Further, every soldier after being three times sentenced to solitary confinement of not less than a month's duration each time, and twice to imprisonment with hard labour of not less than four months taken together, being five convictions by court martial, should have his name placed on a list, to be kept by the provost-serjeant, if there is one, or else by the serjeant-major, and every soldier on that list should thenceforward be subject to a sentence of corporal punishment, should a court martial find cause for awarding it. A course of good conduct, or some particularly meritorious service, would justify the commanding officer in removing a man's name from the provost-marshal's list, and in replacing him in his former situation with respect to future liabilities.

3806. In order to establish a proper system of punishment, such as has been alluded to, how do you proceed when a soldier who is quartered at Windsor commits an offence of that kind, to what gaol do you send him?—To Reading.

3807. And when he is at Dublin?—All military prisoners go to the provost prison. There is a provost-marshal at Dublin.

3808. Are there any cells for solitary confinement at Windsor?—Two rooms, not cells, at the castle guard, but they are not sufficient, and the partitions between them are of wood.

3809. Are there any solitary cells at Dublin?—There were none in the barracks when I was there, but I have not been at Dublin for some years.

3810. In the barracks in London are there cells?—There are some, but they are very insufficient in number. At Knightsbridge, where there is one battalion of the Grenadier Guards, there are three cells, but two of them only are available for solitary confinement, as one must be kept for a black-hole, and those two are very improper for the purpose.

3811. Are they so contrived as to prevent communication with each other?—With each other, the two I speak of are, being at a distance from one another in different parts of the barracks; but the prisoners can hold conversation with persons through the doors. One of them is in a passage, which is a public thoroughfare, and the other is one of two such places within the guard-room. Of course the prisoner hears conversation, and noise by day and night.

3812. So that, in fact, it is not a perfect system of solitary confinement?—Nothing can be further removed from it.

3813. Then in order to follow up the system completely it would be necessary to make additional accommodation, or establish regular military prisons?—Undoubtedly.

3814. Should you prefer to have regular military prisons, under military authority, to county gaols, for the purpose of confining prisoners?—No, I should not.

3815. You would prefer sending them to the county gaol?—To the county gaols rather than have military prisons in which soldiers are to assemble in numbers: but a military prison for solitary confinement, and seclusion of the individual, proper means of exercise and all attention to health and efficiency being provided for, would answer the purpose in some respects as well as cells in barracks; but there would be the inconvenience of distance, and the advantage, which is a material one, would be lost of having the prisoners near their comrades, and therefore in some degree under their daily notice, when walking out for instance, and in daily recollection, and serving consequently as examples; and I consider it a further advantage to have the soldier under the observation of the medical officers of the regiment. I should think cells in barracks on a proper plan quite necessary, as well as prisons established on the plans of solitary confinement.

3816. Where silence was completely kept?—I should consider the restraint of silence in any public prison as very desirable, but I should not think public gaol imprisonment even then so effectual and beneficial a punishment as seclusion. I conclude it must be very difficult to obtain the complete observance of silence among a great number of prisoners, except by additional and severe punishment, and the soldier, among other soldiers, would have so strong a temptation to transgress the rule, that it would be almost exposing him to the certainty of incurring that severer punishment.

3817. Are you aware that in some of the civil prisons in this country silence is preserved without any very great severity of punishment?—I am aware that the system of silence has been recently introduced into a prison in Yorkshire, and has long existed in another, I believe, at Gloucester; and I have lately visited a prison at Winchester, conducted on that plan, but I have no means of knowing the success attending it, or whether silence is really effectually preserved at all times; but, even if it could be, the insuperable objection to a military prison (not on a plan of individual seclusion) would remain of bringing together a great number of those soldiers most inclined to set discipline at defiance, and to degrade the service. No man would take much shame to his own account for being sent to a place where so many comrades would share it with him. All the worst men of a regiment would become better acquainted, and be linked by a bond of friendship, which would continue to subsist probably after their release, and a reclaiming effect could hardly be expected to be produced, even on the least culpable class of offenders, by imprisonment, with such an association.

3818. In case corporal punishment was to be done away with to the degree you mention, is it your opinion that it would be necessary to have military prisons in the several military districts of England and Ireland?—Places of solitary confinement certainly.

3819. A sufficient number of them for the strength of the Army in those districts?—I should think that necessary, and very desirable, understanding always that some such places are to be actually at all military stations where there are barracks.

3820. We are led to suppose that the great root of all offences in the Army is drunkenness?—I think it is.

3821. Have you ever considered how far a summary power on the part of the commanding officer to fine or to stop the pay of a soldier for drunkenness might have the effect of checking

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that vice?—I have considered it, and I think there are very strong grounds of objection to such a proceeding. I think it would be an invidious power for a commanding officer to possess, and I think a soldier is so well entitled to his pay that it would scarcely be consistent with the sort of contract supposed between a soldier and the Crown to deprive him of his pay, and then to punish him as a soldier, or to employ him unpaid as a soldier in the ranks.

3822. Suppose a man by means of intemperance and drunkenness to be unfit for duty for a day or two, by which means additional duty is thrown on his comrades, do you think that his pay might not be stopped with as much justice as a labourer's is stopped when by improper conduct of his own he is not fit for labour?—No; I do not think so.

3823. Why do you make a distinction between the labourer and soldier?—The soldier is subject to peculiar liabilities, and he has engaged on enlisting to do certain service, or to submit to the penalties of a breach of duty under a particular and exclusive law, by his submission to which he fulfils that part of his engagement. The labourer has entered into no such engagements; he has given up no natural rights; he is subject to no other laws than those of his country; and he cannot be punished except for offences infringing those laws. A soldier, on the contrary, is punishable for military offences, such as no other man would be amenable for to any law; his pay is the consideration for his stipulated submission to the military code. Soldiers deprived of pay for a military offence may, on the faith of earning that pay, be daily incurring the risks of the service by war, or by sea, or by climate. This is not the case with the labourer. He may be dismissed, or he may relinquish his employment of his own accord, but the soldier is held to his engagement, and his pay was the condition upon which that engagement was made. The English soldier is not overpaid, considering the nature of his service and his engagement for life, and stoppage of pay for offences would furnish a kind of reason for the next step, a reduction of pay for men hereafter to be enlisted, which would lower the service. I may add, that it is a traditional law among soldiers, or considered as one, that a man cannot go to drill, or do any duty in the ranks, on a day on which he is not deemed entitled to pay.

3824. Supposing this stoppage of pay to be in point of fact inflicted on him as a punishment, why should he not submit to it as well as to any other punishment?—I see no reason for his not being subjected to that as a punishment, provided it should be in virtue of a judicial conviction and sentence.

3825. Are we to collect from this answer that your objection to the stoppage of pay is to its being discretionary on the part of the commanding officer, but that if it were done by a court martial or board of officers, your objections would not apply to it?—I should consider it as necessarily belonging to a sentence including some other punishment, imprisonment, either solitary or otherwise, in which case he would naturally lose his pay for the term of his imprisonment, but not for any arbitrary period preceding his trial, nor for any days on which he would be required to do a soldier's duty. Forfeiture or temporary suspension of pay could not I think accompany a sentence of corporal punishment. In the case of the labourer's misconduct, he could not be deprived of his wages for the days on which he actually worked; therefore here, that is, in taking away the soldier's pay without a sentence of confinement, there would be no analogy between the two cases, putting the other more weighty considerations out of the question. And, in regard to pay of men absent from barracks or parade for a day or two without leave, a legal opinion was given by Mr. Grant when judge advocate general against its being stopped without a court martial: his words are, "A fact to which a consequence so penal is attached can be properly ascertained only through the medium of judicial investigation. To leave it to the commanding officer would be to invest him with a power of the most invidious kind, even supposing such power not to be abused, an occurrence which I readily admit to be unlikely in the extreme, but which legislation must nevertheless contemplate as at least possible."

3826. Suppose that a court martial or board of officers sentenced a man to be fined five shillings as a punishment for drunkenness?—I should think it very objectionable; a soldier has certain expenses that he must constantly bear, his food, his equipment, his necessaries, his shoes, his washing, in short a regular outgoing from his pay, and he has no other means of defraying those expenses, except his pay.

3827. He has a daily balance given to him?—Certainly.

3828. Suppose that daily balance stopped until the sum he was fined was made up?—It would be a bad plan, and would lead to a revival of the old expedient of selling necessaries now very much left off. In my opinion a soldier ought never to be deprived of his pay except while in a state of desertion or of absence, for which he is brought to a court martial, and when, of course, he should lose, as at present, his pay for the days of absence, or when in prison or confinement under the civil power, or under a civil sentence, or under sentence of court martial after its promulgation. I think it would be preferable to suppress drunkenness by a resort to other punishment or means than by taking money from the soldier otherwise than by an award of imprisonment. If he does duty he ought to be paid. And besides, if a fine of five shillings were to be imposed on a man for being drunk, and, in case of his absence without leave, his pay were to be stopped, without a court martial, it is evident that there would be a premium upon a four days' absence; as that would occasion him a loss only of four shillings and four-pence, instead of five shillings for the solitary act of drunkenness. I believe the object in view would not be answered by any contrivance of pecuniary forfeiture. Military punishments and restraints are the only advisable expedients. The end of pecuniary fines would be, that men would ask and obtain leave for their absence and dissipation; it would become a tolerated custom; and the restrictions now put upon intemperance would be relaxed. At present, the soldier atones for these occasional irregularities by being subjected for some weeks to the best imaginable state of military discipline, in which minute attention to all the details of his duty and exercise are strictly enforced; and, when he is not on guard, he is

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confined to barracks, and kept constantly present by being required to answer to his name at any moment of the drum beating, which happens at uncertain times and almost hourly; besides exercising twice or thrice a-day. Some real good, therefore, in a military point of view, is obtained from this punishment. Another effect of the proposed system would be, that the number of married men would be greatly increased for the sake of an excuse for living out of barracks. The barrack system already acts as an incentive to soldiers to get married to escape from the strictness of the internal police. I need hardly remind the commissioners, that it is considered an evil in the service to have too many married soldiers. In short, the same intemperance would continue in a worse form for the interests of the service; for the drunkard, who is intoxicated almost every night, destroys his health, and efficiency as a soldier, which is not the result of an occasional absence with its concomitant dissipation, followed by the usual discipline of minor punishments. Yet the habitual drunkard, having escaped notice and reports from living out of barracks, and managing artfully, would go to Chelsea, prematurely, without any ascertained cause existing to justify a refusal of his pension. On foreign service there would be a repugnance on the part of officers to stop the pay of men daily exposed to danger; and it is not improbable that the regulation might have a very imperfect operation even at home. It may be presumed that there are substantial reasons against the plan, or during the century and a half that the standing Army has existed in virtue of the Mutiny Act it would probably have been tried. It cannot be supposed to have escaped consideration, because a forfeiture of twelvepence always has been nominally authorized for swearing or blasphemy, though rarely enforced. But a general system of fines would shake the faith of the class of men disposed to enlist in the inviolability of the agreement made with them; the common people would be taught to expect a trap. It would operate against recruiting a thousand times more than the idea of corporal punishment. Every man must know that he could not be flogged without some great or sufficient cause; but every trifling misdemeanour or inattention he might be led to believe would occasion his being fined. It would be considered as something unfair.

3829. Can you suggest any other punishment than those now resorted to, for the purpose of suppressing that vice?—I should not wish to multiply the kinds of punishment in use, but I think that a great deal might be effected by moral influence, and by encouraging sobriety by all possible means; particularly by allowing harmless provisions and liquor, not of intoxicating quality, to be freely sold to the soldier in barracks, instead of confining the sale of all the articles the soldier requires to a public house, or licensed spirit shop in the barracks, where, if he has occasion to purchase bread, cheese, butter, or bacon, or anything else, he is exposed to the temptation of getting drunk; whereas, if coffee, small beer, which the canteen keeper will not sell unless compelled, and eatables might be freely sold to the soldiers by proper persons, admitting a little competition, and which the articles of war seem to authorize and require, the soldiers would purchase these things readily, for coffee has become very much in use among them: but all means of obtaining these things are prohibited by the canteen system, except at the one objectionable place, where some of these things are not to be had, and all eatables which are sold there are dear, and sometimes bad.

3830. When you speak of encouragement for sobriety, what do you look to as the means of such encouragement?—That certainly no man should ever be promoted to be a non-commissioned officer who is not of strictly sober habits.

3831. Is that not the case now?—I should think it generally is.

3832. Are you aware of any instance in which a person notoriously given to drinking has been promoted to the rank of a non-commissioned officer?—No, but I think every instance of intoxication should be noticed in a soldier, although he may not be on duty at the time, and this I believe is not in general practice. The habit of intemperance is acquired when off duty.

3833. Are there any other matters in the way of encouragement which you would suggest?—There are other means, but they are in use at present; there are many ways of rewarding good and steady soldiers to a certain degree, by giving them more leave than others, dispensing with their attendance at certain parades, all which are now practised.

3834. And, being practised, do you find that these encouragements have the effect of producing a degree of sobriety?—I conclude they have some effect, for there are a great many sober and good men in the regiment who entitle themselves to all reasonable indulgence. I mean to say that the sober man should be distinguished whenever there is an opportunity, and I should think no evil would be likely to result from giving a man who had acquired the character of a good soldier, after a period of perhaps eight years' service, some mark of distinction upon his coat, such as a single chevron.

3835. Do you think that would have an effect?—I think it would be some object to a man to acquire it.

3836. Do you think that the deprivation of that distinction in front of the regiment would have a considerable effect?—I would not do it too ostentatiously. I think the man losing his chevron would be felt as some discredit, and as a deprivation of rank, but I would not make it the occasion of an exhibition upon parade.

3837. Why?—Because ridicule is always ready to fasten upon any attempt to produce an effect by mere display, which is not imposing from some substantial cause; and also because, considering it as a public degradation, the offence or irregularity might not justify personal humiliation. The man should be ordered to lay the distinction aside himself in his barrack room, and he should be encouraged to endeavour to regain it as soon as possible, which he would have no inclination to do if it had once been the cause of bringing him to public disgrace for something not of a disgraceful nature in itself; and others would shun it from the apprehension of the same danger. I would render it an advantage to the possessor, and not allow it to be a source of annoyance. It is evident that unless some solid advantage, such as

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additional pay, were attached to this distinction, the contrivance must be cautiously dealt with, that the being included among the men distinguished as good soldiers might not be looked upon as a predicament to be avoided rather than as an object of ambition. The penny extra pay at the end of seven years' service is now discontinued, although the extra pay of twopence is still given after fourteen years' service, to all. It would be a good plan to restore the old system for those men specially recommended. The chevron men would then have a solid advantage. In that case a man should lose the chevron and penny together, but only by sentence of court martial; and the restoration, under proper limitations, should be in the power of the commanding officer.

3838. Since the diminution of corporal punishment, does it appear to you that the offence of drunkenness has increased in the Army, or diminished?—If it has increased, I see no reason to ascribe it to the cessation of corporal punishment: it is said that it has increased throughout the country, and there is certainly considerable intemperance among the troops, but, on looking back at old records, I find that in former times when there was no punishment but flogging, drunkenness was then also exceedingly prevalent. I do not think drunkenness has increased, but I think there is still a great deal too much of it.

3839. When you recruit do you take any pains to inquire into the character of the persons offering themselves as recruits?—The greatest possible pains as far as I can do so through the agency of other people.

3840. Do you find any difficulty in obtaining the description of men in point of character that you wish to have?—No; not on that account. I think nearly all who do offer are of the proper description, as our recruiting parties are only established in suitable places, and are forbidden to take any men not natives of the vicinity. There are times when we recruit slowly, as at this very season; in winter we get more recruits: at the present moment we are not recruiting very fast, but most of the men who offer are of the proper description.

3841. The power of obtaining recruits depends very much on the work that is going forward?—I suppose so, and I suppose that is influenced by the season.

3842. Do you ever get persons of rather a superior rank in life, tradesmen's sons, and so forth?—They sometimes offer themselves, but I do not think they are in general likely to make good soldiers, and unless they are of very unexceptionable character I object to them. You allude, I presume, to clerks, or men who have been in mercantile houses; they occasionally apply, but are objected to unless their characters are very good indeed, and their previous history can be well ascertained. I encourage the enlistment of men of some trades, as blacksmiths, carpenters, bricklayers, (to miners there would be no objection, but the contrary,) and also of a proportion of shoemakers, butchers, and bakers, but these are men born in the same class of life as the labourer.

3843. Suppose that by any regulation a higher class of men in point of station could be induced to enter the Army, do you think that the maintenance of discipline would be more easy under such circumstances than with the class of men who at present form the great body of the soldiery?—I can only answer as to the class of men who form the great body of the regiment under my command; for I believe that in some regiments all kinds of men are admitted, there being recruiting parties in London, who take any men they can, get if they are physically qualified, without any inquiry whatever into character; but I do not think a better description of men for the purposes of the military service could be found than the agricultural labourers of this country, including the sons of farmers.

3844. Do your observations, with respect to the possibility of doing away with corporal punishment to the degree you mention, extend to an army in the field as well as at home?—No. I consider that in an army on service in the field corporal punishment would be very properly resorted to as the established and necessary punishment, for I believe that on active service there never could have been any other for some classes of crime, and it seems to be derived from the institution of the office of provost-marshal, he having still, as is generally known, the power of inflicting corporal punishment summarily, and of his own authority, under peculiar circumstances.

3845. When an army is actually in the field, hutted or in tents, would it be possible to carry into execution a sentence of imprisonment with hard labour or solitary confinement?—Of course it would not.

3846. With regard to the Colonies, have you any means of judging how far a system of solitary confinement, or imprisonment with hard labour, to the almost entire exclusion of corporal punishment, might be carried into effect?—I have no means of judging from any local knowledge personally; but I conclude that in all stationary quarters nearly the same means, with some difference on account of climate, might be resorted to as on home service. The first instances I find in our books of commutation of corporal punishment are in 1807, when part of the regiment was in Sicily. A close kind of military confinement, when the soldier was off duty, was substituted, combined with punishment drill. Subsequently, I find solitary confinement first as a commutation of sentence instead of corporal punishment, and then as the common sentence of courts martial at Cadiz in 1811 and 1812; and at Alcala, near Seville, a sentence of two hundred and fifty lashes was commuted to solitary confinement in September, 1812. The battalion on that service received particular praise in the division orders from the lieutenant-general commanding for orderly conduct. I also find corporal punishment commuted for solitary confinement in part of the regiment at Villela, in Portugal, in the month of March, 1813; and in several instances at Oporto, in June of the same year, men were sentenced to solitary confinement. Commutation of corporal punishment for solitary confinement occurs again at St. Jean de Luz, in December, 1813. At Stiengerben and Antwerp, in the beginning of 1814, solitary confinement was awarded, and also substituted for corporal punishment in some cases. The first instance of such a sentence in the 1st regiment o

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Guards at home occurred at Knightsbridge barracks on the 28th December, 1814. It appears therefore that corporal punishment first fell into partial disuse on foreign service, but not at the moment when the troops were engaged in very active operations. At Paris, in 1815, I find many instances of solitary confinement when the regiment was encamped in the Bois de Boulogne, and it was a common sentence at Cambray during the occupation. I infer from these facts that other punishments than the lash may equally be resorted to in the Colonies for military offences.

3847. You have served in the campaigns of the Peninsula?—During part of the war.

3848. In how many?—The first I was in was Sir John Moore's campaign, in 1808 and the beginning of 1809; after which I did not serve again until the Duke of Wellington's army had crossed the Ebro, and then I served till the end of the war.

3849. Have you ever had an opportunity when on service of observing the manner in which the French conduct the discipline of their regiments?—I have had no opportunity of observing it on service. I have a general notion of what it is from their regulations, and from inquiry and observation since, when I have been in France.

3850. When you were on service, had you ever an opportunity of observing any part of the conduct of the French Army, as respected the inhabitants of the country which they were in?—No further than seeing the consequences of their passing through particular districts.

3851. Which consequences were?—Undoubtedly there was devastation, and great mischief had been done, but that is one of the consequences of war, I believe, generally. There were no remarkable excesses that I know of committed by the French at the particular period I am speaking of, as having been present, towards the close of the war, for during part of that time they were on their own territory. I was not in the campaigns of Portugal, where, I believe, the principal ravages were committed, and of which traces were left long after.

3852. Did the same devastation, and mischief, and apparent want of discipline, appear to you to accompany our own army?—Not under favourable circumstances, but under adverse circumstances a good deal of mischief ensued.

3853. When you speak of adverse circumstances, you mean circumstances of retreat?—Of retreat. I would cite for instance, the retreat to Corunna.

3854. In the retreat to Corunna, the army was dispersed a good deal?—The Army was, to use the general's own expression, disorganized. But it was so only during a short time, and under circumstances of uncommon privation; for it certainly rallied for the fighting day, and was then in as good order as an Army could be for the purposes of battle.

3855. Have you ever considered the subject of providing means of recreation for soldiers in barracks, such as fives' courts and so forth?—I have, and think it would be particularly desirable. A great deal of the irregularity arises from mere idleness; the only place of public resort or amusement, if it can be so called, for the soldier in barracks, being the most objectionable one of all—the spirit-shop or canteen.

3856. After their duty is done, they have permission to go out of barracks?—Undoubtedly; but I speak of their resources in barracks; although the idleness prevails both in and out of barracks. It would be advisable to encourage all industrious habits in the soldier. Those men who are desirous of getting work, if not of too laborious a nature, should, in my opinion, have all facility given them. In former times the best men in the Guards are said to have been those who obtained regular employment when not on duty. If sheds in barracks could be appropriated as working places, it would give occupation to some and encourage industry—a carpenter's shop, for instance—and if there were a shoemaker's shop, many, perhaps, would be willing to learn a trade so useful to themselves. The extra accommodation generally is too scanty in our barracks. The plan of construction seems chiefly to aim at finding the minimum of building capable of affording the indispensable sleeping room for a given number of men.

3857. Is there any disposition on the part of the soldiers to amuse themselves by reading?—I think there is. I have occasionally inspected the barracks on a winter evening without previous notice, expressly to ascertain whether the men were in the habit of frequenting their barrack-rooms, which, when the rooms are made comfortable by fire and candle, I think they are disposed to do, and I have found a very satisfactory number in their rooms, rationally enough employed. Some were reading.

3858. Is there any regimental library?—No. Sometimes books have been given them in limited number.

3859. Can the greater, or what proportion of the men in your regiment read and write?—I cannot state the exact proportion; we get men from the north and south of England: of those who come from the south, the proportion who have previously learnt to read and write is rather small; but we now instruct all recruits carefully in reading and writing for the first four or five months, or as long as they are at drill, and until they take their duty; and some of them learn to write very well in that time. A trained soldier cannot be required to attend school, but volunteers are encouraged, and there is not an inconsiderable number who do so attend of their own accord, to improve themselves. The school is always open to them, and, in winter evenings, provided with fire and candles.

3860. Does it appear to you that a soldier looks down on a comrade that has been punished at the halberds, and shuns his company?—No; I think they often are induced rather to look on him with friendly feelings at the time.

3861. Take a thief, for example?—I was about to say, unless he has been punished for a disgraceful offence. The view which the soldiers take of the punishment of a comrade depends on the offence for which he undergoes it. Any body, I believe, may form a fair conception of the impression generally made by considering the view he would take himself of another man's punishment under various circumstances.

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3862. Have you known instances of men who have been punished at the halberds afterwards becoming good and steady soldiers?—Yes.

3863. Have you known instances in which they have become non-commissioned officers?—Yes; but I believe they would have become so equally if they had not been flogged. I do not ascribe their promotion or their subsequent merit to any effects resulting from that peculiar punishment; I should rather infer that it had been unnecessary to flog men of such disposition and character. I knew an instance of a non-commissioned officer who had undergone corporal punishment for a military offence of slight degree, which would certainly not be so punished now, and I think it left a depressing effect on his mind, which he always continued to feel.

3864. In what way did you perceive that depressing effect?—In rather a dejected manner and appearance.

3865. And was that dejected manner and appearance not removed by subsequent promotion, and the esteem he was held in the regiment?—I spoke of him in his character of a non-commissioned officer, and I think he never appeared quite free from a sense of regret and humiliation; but I beg leave to add that this is partly conjectural; I never had any conversation with him myself on the subject.

3866. Have you ever had any means of ascertaining whether there is any strong feeling on the part of soldiers against corporal punishment, as degrading to their profession?—I never have asked the question of any soldier, and I never thought I had the means of ascertaining their opinion in any other way; I never thought it consistent to make that inquiry among them.

3867. All recruits of course know, on entering the service, that by the Mutiny Act they are subject to corporal punishment?—I conclude they may. I suppose it is generally known among the labouring classes.

3868. Do you think that the discipline of the regiment is improved, or is crime diminished or increased, since corporal punishments have become less frequent within these four years in your own regiment?—I think after corporal punishment was partly discontinued by the introduction of solitary confinement (for which, however, suitable and sufficient places have never yet been provided), and subsequently of imprisonment with hard labour, which latter punishment the Army had not the power of awarding until 1823, except for desertion, that the crimes of insubordination decreased in number, as appears by the courts martial of 1823, 1824, 1825, and 1826, which I conclude to have been the effect of the substitution of imprisonment for corporal punishment in 1823.

3869. But within these last four years, when it has been discontinued except in very flagrant cases, has crime in your regiment increased or diminished?—Courts martial have very much increased, but that has been partly the effect of the alteration in the system, and in the Articles of War, by which more cases are referred to regimental courts martial than formerly, but partly also owing to some increase of particular offences. That of short absence from barracks has increased; but desertion has been for some years a decreasing crime.

3870. Have those regulations by which those offences have been made the subject of courts martial which were formerly punished more at the discretion of the commanding officer tended to improve the discipline of the regiment or otherwise in your opinion?—I see no evil resulting from it, and I think it may have a decidedly beneficial effect gradually, and there is an advantage in the publicity which belongs to the proceedings of courts martial, which are always read to the men assembled on parade; and also in the co-operation which those proceedings exhibit of all the other officers with the commanding officer in the maintenance of the system of discipline, which advantages do not belong to punishments ordered by the commanding officer himself. I think, upon the whole, I trace considerably less spirit of real insubordination in the offences of the present day than in the records of past times, before imprisonment was partially substituted for corporal punishment, and I think offences formerly were often of a graver character than now. There are a great many courts martial, as our returns show, but the principal number are for absence. With respect to the crime of striking non-commissioned officers, in looking over the regimental court martial book, commencing the 1st January, 1834, I find that in fifteen months from that date to the 1st April, 1835, there is no instance of a serjeant being actually struck; but there is one case of a drunken man being guilty of "violent and insubordinate conduct" towards two serjeants who had ordered him to be taken to barracks. This happened at Dublin, and I did not see the evidence. Three corporals were struck in that period of fifteen months, and two acting, or lance-corporals, privates doing corporal's duty. Of the three men who struck corporals, one had been twice punished with flogging. One of the other instances was combined with highly insubordinate conduct on the march, for which the man has been transported. All the other cases under the head of "Insubordination" are for insubordination in language, except one or two by gesture. An improper reply to a non-commissioned officer is classed as insubordination. The very effect of strict discipline is to occasion such offences, because it is the duty of non-commissioned officers to interfere with men who are in liquor, and order them to barracks, but not to lay hands on them themselves. They may employ privates to do so. Men improperly absent are sought for; therefore the number of offences, called offences of insubordination, must not be looked upon as a proof of laxity, but the reverse; for it is plain that the number of such offences might be easily reduced by negligence or indifference. I would beg leave to draw notice to this point, that, in estimating comparative systems of discipline, the one which brings most offences to view is probably the strictest. A smaller number of offences appearing on returns can by no means be taken as a sure criterion of better discipline, except when the degree of observation and vigilance are known to be equal in the systems compared. A contrary inference may perhaps be more safely drawn.

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3871. Are your absences generally occasioned in consequence of men being drunk, and not choosing to come back and show themselves in that situation?—Not generally. I suppose that may have some effect occasionally; but the temptations in London to absence are so great as to account for it without that cause. And when the particular circumstances of the military life, and the general habits of the lower orders, are considered, it would appear too much to expect that the common soldier should be able to withstand all the allurements to dissipation and low debauchery of the capital. All that can be done is to check and restrain profligate habits by some perpetually counteracting influence, and by such repressive measures as will not produce a greater evil than that against which they are directed. For if it were possible to invent any more coercive restrictions than those of the present barrack system, which should be so completely effectual as to prevent all those irregularities, another and much more serious class of crimes would be the result, and, amongst others, particularly the crime of desertion. Neither would a state of abstinence from offences against internal police produced by such means be of any real value; for at the first opportunity of any unavoidable relaxation, and on any emancipation from artificial restraints, as on a march, or on service, the conduct of men so managed would become proportionally more licentious. The great object is, since they cannot be made perfect, to render soldiers as trustworthy for the essential objects of the service as the nature of things will allow. It is not so much by slight irregularities when men are off duty that discipline is injured; that which is most material is, that a proper distinction should be made between what may in some degree be pardoned, although it must be kept down by repressive restraints, comprehended under the minor punishments, and that which is discreditable in a high degree to the soldier in his military character. Indiscriminate rigour would confound these essential distinctions in the soldier's mind. After all, it is not mere punishment that maintains good order, but the unwearied application of a system of vigilant, unceasing, pains-taking observation and care. In support of this opinion I refer to the orders of Sir John Moore, in honour of whom it was publicly recorded, as a peculiar subject of eulogy, that "he had passed his life among the troops." I refer also to the orders of his Grace the Duke of Wellington, and likewise to his Grace's recent address to the 93d Highlanders, in which the reciprocal duties of officers and their men are especially adverted to, and kindly inculcated. Good treatment, that does not degenerate into a degree of weak indulgence; scrupulous justice towards individuals; and a strict, but not harsh, administration of it with respect to military offences, are the only means of establishing discipline on a sure and permanent foundation.

3872. Since the new regulation you have, we suppose, been endeavouring to get rid of such men as are the most difficult to manage, and to obtain men of better conduct and behaviour in the regiment than you had when you were obliged to recruit indiscriminately?—We take pains to get as good men as possible, by making inquiry relative to their characters in the parishes from which they come, either from the clergyman or respectable parishioners. No recruit is taken without this precaution of previous inquiry, but we do not discharge men merely because they are difficult to manage. That would not be expedient.

3873. The standard of moral character is much better than it was twenty years ago?—Much better than it was twenty or thirty years ago. From my own recollection, and from what I have heard from other officers, the comparison is much in favour of the present time. A march, for instance, often used to be a discreditable exhibition from drunkenness, and now is generally remarkable for military order and propriety.

3874. Therefore, under present circumstances, the same degree of severity of discipline is not required?—Not the same kind of severity of punishment; and I think the improvement may be ascribed in great measure to that alteration of system, which has substituted other punishments for the only one formerly in use, and has already introduced rather a different treatment of soldiers individually. There is another thing which I would beg to mention, and that is, that I think more offences are detected now than a few years ago, owing to all the battalions in London being in barracks, instead of having one or two in quarters, as formerly. Of course the irregularities of those out of barracks did not come under notice so much as they do now; that is one reason for the apparent increase of offences which I have mentioned.

3875. Then are the Commission to understand, from the experience which you have had both at home and on foreign service, that you are of opinion that the present system of having recourse to corporal punishment in extreme cases only is, upon the whole, more beneficial to the discipline of the Army than the more frequent use of it as formerly?—I certainly am of that opinion with reference to the more serious offences, to which only that punishment is applicable; but I have already said that some irregularities may have increased; at least occasional absence from barracks has increased; but the moment of transition to a new system, still imperfect, in its substitutes for the severer punishment, is probably not the fairest occasion to form a conclusive judgment upon its ultimate effects. It would be easy to diminish the number of reports for absence by giving leave to the individuals, but that would be a toleration of drunkenness in some cases. I do not mean to palliate the offence of absence from barracks, but I may just observe that it carries within itself the guarantee of its not exceeding certain limits. Suppose, for example, a man absenting himself for two or three days, to be placed under barrack restraint for six weeks or two months; he could not commit above half-a-dozen offences of the same kind in a year, and would be constantly (those days excepted) under the strictest military regulations, and kept in the highest order as to exercise, duty, and military efficiency. This is supposing an extreme case, and supposing no stronger measures taken for preventing so many repetitions of the offence but under the circumstances imagined such an offender would be liable to be dealt with by court martial.

3876. Then do you go so far in your opinion as to think that the use of corporal punishment is still of too frequent occurrence in the British Army?—I think it may be still too

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frequent, chiefly, perhaps, from the want of proper places of confinement. If I were to give an opinion, it would be that corporal punishment should be entirely separated from the ordinary course of the military law, and confined to a specific form of law as emanating from the original power of the provost-marshal, and called military prevotal law; that soldiers might know under ordinary circumstances they were not liable to be tried by a law competent to award corporal punishment at home, but that if they committed certain crimes subjecting them to a different and severer law than that which is considered necessary for the government of soldiers of honourable and fair character when on home service, that they would then be liable to incur the penalty of that law, in the same manner that for felony they would incur the extreme punishment of the criminal law.

3877. Supposing an order was to issue now from the Horse Guards, for a total discontinuance of corporal punishment, should you feel that you could be responsible for the good discipline of the regiment under your command?—I should not feel uneasy about it; but the Guards are peculiarly circumstanced. I can easily see the necessity of the power for corporal punishment continuing to subsist generally in the Army, but under very particular restrictions and limitations. In short it is a punishment only advisable from necessity (when the offence is entirely military), and therefore when that necessity exists, and then only, it ought to be resorted to.

3878. Do you recollect how many instances of corporal punishment there have been in the Grenadier Guards within the last five years?—There have been thirty corporal punishments in the three battalions during the last five years, to the end of 1834.

3879. Have you had any instances of men having been discharged as being such bad soldiers as to be totally irreclaimable?—We have discharged some with ignominy for theft, but it is not customary or expedient to give discharges for bad conduct, unless under a sentence of discharge with ignominy, for fear of appearing to grant that to a bad soldier which cannot be conferred on a good one without the payment on his part of a sum of money; but I think it would be beneficial to the Army if incorrigible offenders and worthless characters could be dismissed the service, under a sentence of hard labour in the dock-yards for two or three years; but the power should be confined to general courts martial, and be limited by very precise regulations, to prevent its being resorted to in too many cases, and before all suitable endeavours should have been used to reclaim the offender. A soldier should not be discharged from the service merely because he is difficult to manage. It is the business of discipline to train him to his duty; but if he is irreclaimable, and becomes a disgrace and burthen to the service, he ought, as a last resource perhaps, to be expelled from it; but not set free from his engagement without being subjected to punishment. But I am contemplating a probability of the collateral advantages in future of an improvement in the composition of the Army by a better selection of recruits, the necessary and certain consequence of corporal punishment being restricted. Improvement in the training of recruits, for which purpose there is reason to think a depôt for recruits would be of incalculable benefit. Improvement in the method of conducting the system of discipline, inculcating the pride of good character, which would elevate the soldier's caste, and give the Army still greater attraction for the better description of the men of the labouring class; for there is a great inclination for the military service in this country. In no other country of Europe could so large a proportion of volunteers be found, or an Army be maintained as ours is, by voluntary enlistment. I believe a more careful system of recruiting would lead to a saving of expense by diminishing desertion, as deserters would not find such facility for enlisting into other regiments as at present. Secondly, there would be fewer men transported and discharged with ignominy, fewer taken from the service by the civil power, and fewer prematurely pensioned for disability arising from intemperate habits, and fewer who would try to feign disabilities to escape from the service.

3880. Have you any idea whether the discharge with ignominy leads other men to commit crimes in hopes of obtaining discharge?—I have no idea of the kind; the discharge with ignominy is a most useful and proper regulation.

3881. What has been the proportion of corporal punishments within the last three years?—One in 1832, three in 1833, and one in 1834. Prior to our having the power of sending to gaol in 1823, the corporal punishments in 1821 and 1822 were forty-three and thirty-three; and I beg to show what the offences of insubordination were in those two years, and what they became immediately afterwards. In 1821 there were twenty-four cases of insubordination referred to courts martial, and twenty-nine in 1822. In 1823 they were reduced to sixteen; in 1824 there were twenty-one; in 1825, fourteen; and in 1826, twelve. The corporal punishments in those six years were forty-three, thirty-three (as before stated), and then eighteen, sixteen, twenty-two, and nineteen; so that the introduction of imprisonment appears to have been accompanied by a diminution of the crime of insubordination. I believe the further restriction of corporal punishment under ordinary circumstances would introduce a different system of management, one of great vigilance, care, and attention, which tend to prevent offences, and have been considered to do so by commanders of our armies in the field, as appears by the orders on the retreat to Corunna, and by observations of a similar tendency and more developed in the orders of the Army in Spain, respecting the indiscipline which occurred on the retreat from Burgos in 1812, where his Grace the Duke of Wellington pointed out those means by which "the frequent and discreditable recourse to the authority of the provost, and to punishments by sentence of court martial," were to be prevented.

3882. Do you conceive that any degree of vigilance or superintendence on the part of the officers would afford the means of entirely doing away with corporal punishment?—No, I have already explained the circumstances under which I think corporal punishment must be resorted to, but the cessation of it under ordinary circumstances would tend, I believe, to create greater general care, more observation of the characters of individuals, and the recruiting

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would be more sedulously watched over to exclude bad subjects. I mean to explain that corporal punishment might in my opinion be restricted to and made dependent on a special law, which would prevent its abuse, and I beg leave to put in a paper containing an outline of such a project.

[*The witness delivered in the same, which was read as follows:*]

Corporal punishment only to be awarded as the sentence of a prevotal court martial.

The prevotal law to have effect with regard to—

1. Prisoners already undergoing by sentence of a former court martial imprisonment or confinement in a cell, guard-room, or prison.
2. On board ship.
3. On the march.
4. Under extraordinary and urgent circumstances, as of treason, sedition, mutiny, concerted insubordination, or insubordination extending to more than three individuals of the same regiment or corps; or for wilful and persevering disobedience of a soldier on parade or under arms to the lawful command of a superior, or for striking or offering violence to an officer, or for insubordinate and insolent or insulting language to an officer. The senior officer commanding on the spot (not being under the rank of a field officer) may appoint a prevotal court martial, and cause the sentence to be carried into execution, liable to the responsibility of justifying himself, by the exigency of the case, to the satisfaction of the general commanding in chief.
5. And in like manner a soldier will be liable, at the discretion of the commanding officer, to be tried by a prevotal instead of an ordinary court martial for any of the under-mentioned offences, if the same individual shall have been before convicted of an offence of the same nature as that for which he is brought to trial.

Drunkenness on duty.
Being asleep on his post.
Striking or using violence against a non-commissioned officer.
Using insubordinate and insulting language to a non-commissioned officer.
Using threats or threatening language to a non-commissioned officer.

6. A prevotal court martial may be appointed at any time, by the commanding officer of the district, garrison, or station, in Great Britain or elsewhere, to take cognizance of crimes of theft or other disgraceful conduct referred to in the 9th clause of the Mutiny Act.
7. And in any place except within the United Kingdom of Great Britain and Ireland, and the Channel Islands, a prevotal court martial may in like manner be appointed to take cognizance of any theft or robbery, or housebreaking, or house-burning, or violent assault with intent to commit a rape, or affray with arms between soldiers, or assault with arms against the peaceable inhabitants.

*Composition, Power, &c.*

A prevotal court martial is to be composed in the same manner as a district or garrison court martial, unless the requisite number of officers cannot be assembled in sufficient time to meet the exigency, and then it must consist of a president not under the rank of captain, and of the four next senior officers present not on other duty.

A report of the proceedings of every prevotal court martial must be sent without delay to the general (or other military authority) within whose command the occurrence takes place.

In an army on service in the field, when a general provost-marshal is appointed, prevotal law to be proclaimed in orders, and all offences may then be brought before prevotal instead of ordinary courts martial.

A prevotal court martial is to have the same power with respect to punishments as a district court martial, with the additional power of being competent to award corporal punishment to the extent of five hundred lashes, instead of any of the ordinary punishments.

In a colony or settlement general prevotal law for the troops may be proclaimed on an emergency by the governor.

In the United Kingdom prevotal law to be made general only by proclamation of His Majesty.

I beg leave to observe to the Commissioners, with reference to the foregoing plan, that corporal punishment was originally inflicted on military offenders only by the "provost-martial, or the marshal," as he was formerly styled.

Riding the wooden horse is only mentioned as the kind of corporal punishment to be awarded by a court, but some of the very old Articles of War speak of "correction to be inflicted by the marshal." There was formerly a provost-marshal to each regiment, and a provost-marshal-general to the Army; there is now a deputy marshal or provost-marshal receiving pay in each of the regiments of Guards, but no special employment is attached to the office, which is become merely nominal. With this particular office the power of corporal punishment seems always to have been connected, and it is well known that on service in the field the provost-marshal is still invested with a certain authority to inflict summary chastisement on plunderers.

This seems to establish a distinct system of punishment for active service; and, undoubtedly, considering the nature of the soldier's life and habits in the field, it seems natural and expedient that a form of punishment, prompt, severe, and conspicuous, should then prevail more than at other times, for the immediate repression of indiscipline, and for the purpose of deterring men under such circumstances of war from committing crimes, which, at home and in peace, would never be likely to occur, and also because imprisonment being then impracticable, corporal punishment must necessarily take its place. The knowledge that in certain situations of service severer justice would be done would operate, I think, as a restraint on those occasions, when it is most important that the strictest discipline should be enforced, and would give to the power of awarding corporal punishment a greater degree of efficacy than it has ever had, thereby diminishing the frequency of occasions requiring recourse to it.

On home service the distinction of prevotal law would mark, and present at one view, all the greater deviations from discipline. It would fix the attention of commanding officers and

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others more particularly to the subject, because every regiment would feel an interest in having as few prevotal courts martial as possible. It would designate by a stigma which could meet with no disavowal, even from his own comrades, the soldier of bad character, and would render easy the formation of annual statistical tables of crime in the Army, and a general observation of the conduct of soldiers, which would have the best possible effect towards inspiring pride of character in the service.

[*The witness withdrew.*]

*Colonel Daniel Mackinnon* was examined as follows:

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3883. You are lieutenant-colonel of the Coldstream Guards?—I am.

3884. Have you considered the subject of corporal punishment in the Army?—Yes, I have, and I beg leave to offer to the Commission a few observations in writing, which I have brought with me.

[*The witness delivered in the same, which were read as follows:*]

It will be understood that the following memoranda have been drawn up chiefly with reference to the household troops, who have the honour to guard their Sovereign, and on whose loyalty and good conduct, as they are stationed in the metropolis, the repose of the capital, and the security of the property and persons of its inhabitants, in a great measure depend. These troops are surrounded with temptations of every description, and it will be at all times the policy of revolutionists and destructives to endeavour to fill their minds with discontent and dissatisfaction. The best preventives are the certainty of punishment with steady and inflexible rather than unnecessarily severe discipline, and the adoption of every measure that may tend to raise the soldier in his own estimation, excite his loyalty, and inspire him with a proper feeling for the honour and credit of his regiment. Great care should be taken to enlist none but men of good character, but no means will be entirely successful until provision is made for the removal of the incorrigible to some corps on a foreign station for the third or fourth offence, with power for the commanding officer of that corps not to turn them over to the regiment that relieves his own, if from his experience of their amendment, he chooses to retain them. The guards of the royal person, from their station in and about London, are also the protectors of its wealth, and of every honest man's safety within it; and it never can be advisable that regiments so circumstanced should be disgraced and disorganized by perhaps not more than twenty or thirty incorrigible offenders, who are callous to the degradation of being drummed out, who, from their dissolute habits and connections, are at all times within the reach of the emissaries of sedition, and whose frequently recurring punishment affords designing men a pretence for raising an outcry against the officers of the household troops, in order to separate them from the affections of the private soldiers, and the good opinion of the public. If the dread of a sentence of removal to a regiment abroad should not be sufficient to subdue the contumacy of hardened offenders, that removal would at all events purify the regiment, give a higher tone to the rest of the men, no longer exposed to the contamination of bad example; and a partial reform might even be hoped of many of the offenders so removed, when they were no longer in contact with those allurements which drew them aside from the path of duty. Until some plan of this kind is adopted, no abandonment of the punishment by flogging can be thought of. Whether with the aid of some such plan as that above suggested it shall be found possible hereafter to lay aside the practice of flogging, even on home service, is at least doubtful; but there can be no doubt whatever that the sudden promulgation of a law for its immediate abolition would be equivalent to a proclamation in favour of mutiny. The punishment of flogging, if ever it is abolished at all, must be made gradually to disappear in practice by the silent substitution of other methods, before its express and formal prohibition. And, if any further limitation as to the number of lashes in any case is contemplated, the regulation must not originate with any but the military authorities, for it is playing the game of the disorganizers to allow the soldier to suppose that his only friends are the civilians, and that officers are oppressors. The accompanying return, No. 1, will show the result of the different cases of trial by courts martial during the period Colonel Mackinnon has commanded the Coldstream regiment. In any case the power to inflict the punishment of flogging when necessary must remain as at present, until it has been proved by experiment that the punishments substituted are equally efficacious. The annexed document, No. 2, will show the degrees of punishments for minor offences in the Coldstream Guards.

But the present system of sending prisoners condemned by courts martial to public gaols, where they are classed with felons, is degrading to the Army, and destructive of the character and morals of the men. One of the pentagons at Millbank has long been useless, and would contain 150 men as a sort of a provost prison for the Life Guards, Horse Guards, Royal Artillery, and Foot Guards. The expense attending it would be very trifling, all that would be required to complete it being a kitchen inside, a wall raised to shut out all communication with the rest of the prison, a door of entrance into the pentagon, about sixty projecting window-boards to prevent the soldiers seeing other prisoners in the adjoining pentagons, and pipes laid down to convey water from the reservoir.

The Surrey magistrates have repeatedly complained of the introduction of soldiers into their gaol at Brixton, where they have scarcely room for their county prisoners; and have declared that the soldiers were so turbulent as to be quite beyond the control of the keepers. One of the directors of the Penitentiary, who is also a Surrey magistrate, has said that the vacant pentagon at Millbank could easily be spared, and expressed his wish that something should be done with it, as that prison had cost the county a very large sum. Coldbath-fields' prison is understood to be full, and there is no room, it is said, at Chatham. If, since the last inquiry was made respecting the pentagon at the Penitentiary, it shall have happened to be otherwise disposed of, it is to be expected that all persons who are desirous of finding a substitute for the punishment of flogging, or even rendering its use less frequent, will concur in the necessity of erecting a gaol in the neighbourhood, expressly for the purposes of military punishment. A military gaol is wanted at all events; and there the experiment of solitary confinement may be tried in every degree and mode: as to a tread-mill, it would scarcely be deemed a greater punishment than regular duty by an idle profligate. On many occasions it is probable that solitary confinement might be successfully substituted for the punishment of flogging, provided that confinement were made, as it ought to be, a real and serious punishment, which is not the case at present. The usual treatment of soldiers sentenced to solitary confinement in the Coldstream will be found in the annexed document, No. 3; but it is obvious that the description of solitary confinement

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in document No. 3 would be a very inadequate substitute for flogging, as it is faulty in the following respects. To render solitary confinement effectual, the cell should be constantly dark, and the prisoner on no account allowed to walk out at any time, or to have any kind of recreation. Therefore his kit should be examined, to see that it contains no books, needles, or thread, or anything with which he may amuse himself. With regard to his having soup at the company's pleasure, under any circumstances, although it may have been customary, this is highly objectionable, as it indicates commiseration and sympathy on the part of his comrades. If the prisoner is searched once, the ceremony need not be repeated, since it forms a break in his solitude. For the same reason a serjeant should not attend his shaving, &c. The perusal of the Bible and Prayer-book, however desirable at other times, should not be allowed, as it affords him occupation and amusement, when the great object of solitary confinement is to throw the prisoner back on his own reflections. Of all books that could be given, the Bible is the most calculated to divert his thoughts from the unpleasantness of his situation, owing to the beauty, sublimity, and importance of its contents. It may be said, perhaps, that the perusal of the Scriptures might tend to the prisoner's reformation; but the strict mode of solitary confinement which ought to be adopted, in order to render it a punishment, would be from its nature of too short duration to enable the prisoner to proceed far in the perusal, except in a desultory and superficial manner, which, though it might amuse, could hardly be sufficient greatly to benefit him. Besides it is not certain that he would read, and the admission of light would at once take off the severest and most beneficial part of the punishment. A proper solitary confinement, on a vigorous plan, need never exceed ten days duration, and might be expected, in most instances, to be attended with the best effect, and become on many occasions a proper substitute for flogging. There is little ground for hoping that the discipline of the Army would be improved by giving rewards for good conduct, unless the practice were supported by a judicious system of punishment in cases of misconduct. There are now in the Coldstream Guards forty-four men whom it has been found necessary to flog, and a much larger number who have been subjected to other punishments; yet these men had before their eyes, the example of well-behaved privates being promoted to be corporals, serjeants, and quarter-masters, and they cannot have been ignorant that serjeants of the Coldstream in many instances have been in request to be made ensigns and adjutants in regiments of the line, and in the militia. Between the years 1792 and 1832 it appears from our books that sixty-four non-commissioned officers of the Coldstream have received commissions. They are also made orderly clerks, warders of the Tower, and are appointed to many other comfortable situations on their receiving good characters from their commanding officer. But, although the hope of a reward for good conduct will stimulate well-disposed men, the ill disposed are insensible to any such inducement, and are only to be kept in order by harsher means.

The directions for the recruiting serjeants are contained in the annexed document, No. 4.

On the whole, therefore, it is submitted that all ameliorations ought to originate with the military authorities—that they have already done much towards diminishing the practice of flogging, though it appears from the increase of imprisonment in the Coldstream, stated in No. 1, that the present mode of imprisonment is not effective—that more might be done by adopting a better system of solitary confinement—that an absolute and immediate prohibition of the practice of flogging would be highly dangerous—and that especially, in regard to the household troops, the removal of hardened delinquents to a foreign corps, after a third or fourth serious offence, and in cases of an aggravated nature for the first offence, is of indispensable necessity.

Whatever may be thought of the value of the preceding observations, Colonel Mackinnon begs leave to observe that they are not the result of any theoretical speculations conceived in the leisure of retirement, but are the deduction of his practical experience on the home service during many years, Colonel Mackinnon having been in actual command of the regiment since 1830, and previously to that having had both battalions in succession under his orders from the year 1826.

## No. 1.—COLDSTREAM GUARDS.

*Colonel Mackinnon appointed to the Command of the Regiment 22nd July, 1830.*

| | Strength of the Regiment, 1st April, 1831. | Average Strength the year ending 31st March, 1832. | Ditto 31st March, 1833. | Ditto 31st March, 1834. | Ditto 31st March, 1835. |
|---|---|---|---|---|---|
| All ranks . . . | 1,252 | 1,324 | 1,369 | 1,354 | 1,249 |

*Result of the different Cases of Trial by Court Martial during the period Colonel Mackinnon has commanded the Coldstream Regiment.*

| PERIODS. | Imprisonment. | | Corporal Punishment. | Reduced only. | Transported. | Forfeit Beer Money only. | Pardoned. | Acquitted. | Total. |
|---|---|---|---|---|---|---|---|---|---|
| | In Black Hole. | In Public Prisons. | | | | | | | |
| From 22nd July, 1830, to 31st March, 1831 . . . | 18 | 7 | 6 | 1 | 1 | .. | 4 | 2 | 39 |
| Year ending 31st March, 1832 | 16 | 17 | 8 | 6 | 1 | .. | 2 | .. | 50 |
| Ditto . . . 1833 | 22 | 45 | 9 | 3 | 2 | .. | 5 | 1 | 87 |
| Ditto . . . 1834 | 20 | 58 | 6 | 3 | 3 | .. | 2 | .. | 92 |
| Ditto . . . 1835 | 9 | 48 | 2 | 1 | 2 | 4 | 4 | 1 | 71 |

In many cases the same individual has been tried several times.

There are now in the regiment 44 men who have suffered corporal punishment; 32 have had it inflicted once, 10 twice, and 2 thrice.

16 of them have not been otherwise punished by sentence of court martial.
9 had previously been imprisoned by ditto.
13 have subsequently been imprisoned.
6 have been imprisoned both prior and subsequently to corporal punishment.

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No. 2.—*Scale of Punishment for the Coldstream Guards.*

| | |
|---|---|
| Absent all night, returned early next morning | 1 week B. U. |
| ,, middle of next day | 10 days B. U. |
| ,, by tattoo | 14 days B. U. |
| ,, two nights | 21 days B. U. |
| ,, from roll-call, brought in by patrols | 4 days B. U. |
| Drunk on duty, if first offence of that kind | 28 days B. U. |
| ,, when for duty | 14 days B. U. |
| ,, for parade | 5 days B. U. |
| ,, and making a disturbance | 5 days B. U. |
| ,, in the streets | 5 days B. U. |
| Making away with necessaries, first offence | B. U. till paid for. |
| ,, second do. | B. U. till paid for at 1*s.* a week. |
| ,, third do. | Court Martial. |
| Improper conduct towards, or insolence to, a non-commissioned officer | Black Hole for a period not exceeding 48 hours at one time, but that punishment may be repeated with an interval of 24 hours. |
| Absent from parade | 3 days B. U. to the punishment for absence all night, if the case should be so. |
| ,, or late for duty, if not exceeding five minutes | 1 or two extra guards. |
| ,, ,, if exceeding five minutes | 1 week B. U., more or less, according to circumstances. |
| Late for tattoo roll-call, if under two hours | 1 drill for each half-hour. |
| ,, ,, for every hour exceeding two hours | 1 day B. U. |
| Having anything dirty for parade | Parade to shew it clean. |
| In bad order for parade | Parade in marching order. |
| Rejected for duty, being dirty | Pay up the guard, and 1 extra guard. |
| Not in good order, but not rejected | 1 or 2 drills. |
| Dilatory on sentry (if slight) | 1 extra sentry or drill. |
| ,, if otherwise | 1 extra guard. |
| Absent from drill | 3 days' drill. |
| Talking in the ranks | 1 drill. |
| Unsteady in the ranks | 1 drill. |
| Idle in the ranks | 1 drill. |
| Making a reply in the ranks | 2 drills. |
| Having grease about beds, slovenliness, or any kind of nuisance | 1 or more extra swabbings. |
| Having a bruised face | B. U. till well. |
| Contracting debts | B. U. till paid for. |

A soldier guilty of riotous or mutinous conduct whilst under confinement may (when the case is extreme, be put into irons by the serjeant of the guard, he making an immediate report of the circumstance to the adjutant; but a report to the adjutant is desirable, previous to having recourse to that extreme measure.

For crimes committed by men already on the defaulter list the punishment may be increased by drills in marching order, or one or more hours under arms between the established drill hours; and, should that be deemed insufficient, the period for which they are *billed-up* may be extended.

A man to merit indulgence of any kind must be clear of punishment for one month.

(Signed) J. MACDONELL,
*Colonel, Lieutenant-Colonel Commanding Coldstream Foot Guards.*

*London, 12th December*, 1825.

No. 3.

The prisoner is placed in a cell, or black hole, of the barrack in which he is quartered: some are dark; others may have light enough to read by. He is allowed plenty of straw and two blankets, with a rug; in cold weather an extra blanket is given. He is permitted to have his kit, which includes his great coat. He is made to wash and shave every morning under the inspection of the serjeant of the guard, and is to walk out for an hour under charge of a sentry in the morning and afternoon. The prisoner chooses whether the 6*d.* per diem shall be given in bread and milk, or bread alone. If the former, he is allowed to have one or two pennyworths of milk, as he pleases, and the rest in bread. In some cases where his company volunteer, during very cold weather, to give him a basin of soup out of their mess, he has it. The prisoner is daily visited by the orderly officer, and asked whether he has any complaint to make; if so it is reported to the commanding officer of his battalion. His cell and bedding are searched to ascertain that he has no tinder-box, pipes, spirits, tobacco, or any food, concealed. Every man has a Bible and Prayer-book, being part of his kit. In Portman-street barracks all the cells are dark. In Knightsbridge only one has light, and that scarcely sufficient to read by. In St. George's all have light.

No. 4.—Memorandum for Recruiting Serjeants.

*Coldstream Orderly Room, 12th June*, 1834.

Colonel Mackinnon desires that the following order be strictly adhered to by serjeants in recruiting parties. Non-commissioned officers must observe, before a recruit is examined by a surgeon, whether he is well formed, free from swellings or large scars, or has any disfiguring mark on the head, face, or neck; his hearing must be clear, and sight good, his eyes perfect, and free from squint. His shoulders must be square and broad, his chest large, full, and round, his arms well made and muscular; his hands and feet perfect, without deformity of fingers, or overlying toes; his legs straight, his knees small and compact. He must not have varicose, swollen veins, or marks of former sores. Lastly, the commanding officer expects that no recruit, unless he bears a good character, will henceforth be sent to head-quarters, or whose form and general appearance do not show intelligence, activity, strength, and health.

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3885. The infliction of corporal punishments has been much restricted by order of the commander-in-chief within the last four years?—They have.

3886. Before you took the command of the regiment, were corporal punishments more frequent than they are now?—Certainly.

3887. How long is it since you took the command of the Coldstream Guards?—I have been commanding the regiment since the year 1830; but, previous to that, I had two battalions with me for some considerable time in Dublin.

3888. To your knowledge, have corporal punishments very much decreased since the year 1830?—Decidedly.

3889. What effect has the decrease of corporal punishment, and the substitution of imprisonment with hard labour, had upon the discipline of the regiment?—I should say the discipline of our regiment is excellent, but I am not prepared to ascribe the improvement to any change in the mode of punishment, as great pains have been taken of late in selecting men of good character as recruits.

3890. When you speak of military punishment, do you mean corporal punishment?—Certainly I do.

3891. Has the crime of insubordination, either accompanied by striking non-commissioned officers or otherwise, increased or diminished?—It has not increased in my regiment; but I have heard that there is more insubordination in the Army in general towards serjeants since the leaving off of flogging.

3892. Supposing that an order was to issue from head-quarters entirely to abolish the practice of flogging, could you be answerable for the discipline of the Coldstream regiment, which is now under your command?—I think not, decidedly; I could not be answerable for it. I think there would be mutinous conduct, and that would increase very much.

3893. Are we then to understand that your opinion is that corporal punishment should be resorted to in cases of necessity only, but that the power of inflicting it should be retained?—Most decidedly; I conceive that, if you were not to retain the power of punishing men by flogging, the officers might as well pull off their hats to the regiment, and wish them good-by.

3894. With respect to rewards in the regiment, do you conceive that the discipline of the regiment would be improved by a system of rewards for good behaviour?—In answer to this question I beg leave to refer to what I have stated on that subject in the memorandum presented to the Commissioners.

[*The witness withdrew.*]

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*Tuesday, 26th May,* 1835.

The Right Hon. LORD WHARNCLIFFE in the Chair.

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Colonel *William Augustus Keate* was examined as follows:

*Col. W. A. Keate.*

3895. You command the third regiment of Guards?—I do.

3896. How long have you been in that command?—I have been five years in command of the regiment, and five years preceding that in the command of a battalion.

3897. You are now lieutenant-colonel?—I am now lieutenant-colonel.

3898. How long have you been in the service?—Thirty-five years.

3899. Always in the third regiment?—Always.

3900. Where are your two battalions quartered at present?—One in Wellington barracks, Birdcage-walk; the other in the Tower of London.

3901. Has there not been a punishment lately in the battalion which is in the Tower?—Yes, last week.

3902. What was the offence for which that person was corporally punished?—Insubordination, striking a serjeant.

3903. Can you tell us the particulars of the offence?—At dinner roll-call a man was observed to be in liquor, but not very bad, such as we express by a term used in the regiment, "unsteady through liquor," not decidedly drunk. He was ordered off the parade by a serjeant, who was taking him to the guard-room, when the man came behind him, and hit him a blow on the back of his head: there had been two or three cases of the same description lately in that battalion, and, therefore, I thought it a good opportunity, as this was a man of bad character, to make an example.

3904. Had he ever been tried by a court martial before?—He had been tried three times by a court martial.

3905. For what offences?—I do not recollect.

3906. Were they cases of insubordination also?—I apprehend not; but I cannot answer that question without referring to the Report Book: there had been no corporal punishment.

3907. You do not know whether it was for irregular conduct or drunkenness, or for disgraceful offences?—Not disgraceful, but unsoldier-like offences.

3908. Had he undergone the punishment of imprisonment?—Yes.

3909. Where had he undergone that punishment?—In all probability either at Brixton, or in our own hospital, where we have three cells.

3910. Did you say that he had undergone punishment more than once?—Three times.

3911. Had he also been subjected to other minor punishments at different times?—Yes, frequently; he is a man of very irregular habits.

3912. He was brought to a court martial; of what description?—A battalion court martial.

3913. And how many lashes was he sentenced to receive?—Two hundred, and he received a hundred and fifty.

*Col. W. A. Keate.*

3914. That proceeding has since got into the public papers?—Yes; I have seen it.

3915. In what part of the Tower was the man punished?—The punishment took place in a barrack-room, therefore none but soldiers of the regiment could have seen it. I am quite sure that it was our own people who put it into the papers.

3916. Do you mean the soldiers in the regiment?—Yes.

3917. Have you made inquiry on the subject, to satisfy your own mind that that was so?—I have talked it over with the commanding officer of the battalion, and he is satisfied of it, and Lord Saltoun, in his battalion of the 1st regiment, has found out the man who does it in their regiment,—I have not been fortunate enough to do so. In all probability they get something for it from the newspapers.

3918. Do you apprehend that these persons who so give the information are excited by the disgust at the punishment itself?—No, by the hope of reward.

3919. Have you ever been able to ascertain that there is any strong feeling on the part of soldiers in general against punishment in a case of that description?—No, certainly not.

3920. Are you at all aware that there was any feeling on this occasion among the men that the sentence was unjustly carried into effect?—None in the world.

3921. Have there been any other punishments in your regiment between this of which you have now spoken, and one that made some noise about a year ago?—Yes, one.

3922. Where was that inflicted?—At Windsor.

3923. For what offence?—The same description of crime, insubordination.

3924. Was that in Colonel Bowater's battalion?—Yes; the last was in Colonel Mercer's.

3925. What effect did you find to arise from the punishment in Colonel Bowater's battalion?—From the information I have been able to obtain from the adjutant, and from Colonel Bowater, I feel satisfied that it had the very best effect: it proved to the men that the power was still there, which they seemed to have forgotten.

3926. Are you aware of any expressions ever having been used by the men in either of the battalions which led you to suppose that they imagined the punishment was done away with?—I cannot say that I have heard such expressions from them, but I think their conduct has proved that they thought so.

3927. Some years ago these punishments were much more frequent than they are now?—Yes.

3928. What punishments have generally been substituted in cases where corporal punishments formerly were inflicted?—Courts martial, since corporal punishments have been so much diminished, have usually awarded imprisonment with hard labour, or solitary confinement, or imprisonment only. That has been carried into effect, either at our hospital, at Brixton, or Coldbath-fields. We find it much more effectually practised at Coldbath-fields, where we generally now send them. The punishment is much more severe there than it is at Brixton.

3929. Is the punishment at Coldbath-fields severe with respect to the physical state of the soldier?—I should think it was; for this very morning I was inquiring on the subject from one of the adjutants, and he tells me that a man, who had been confined in Coldbath-fields for thirty days, said when he came out he was as weak as a rat.

3930. Does it appear to you that the men are very much afraid of the punishment of imprisonment?—No, it does not; certainly not. It falls very heavy upon the persons who are sentenced to it, but it is no example whatever to the other men.

3931. But upon the individual himself?—Yes; not that I think it has much effect afterwards: at the time it is very severe on him, no doubt.

3932. Does it appear to you that it reclaims individuals from their bad habits?—No, because the same men who have been once sentenced to it are very frequently tried afterwards perhaps more than once.

3933. Is that the case since you have taken to send men to Coldbath-fields in preference to other prisons?—It is too lately that we have done so to be able to form any judgment.

3934. As to imprisonment with solitary confinement, that is carried into execution in the hospital?—It is a very bad place; we do not like to send them there if we can help it. It is not effectual at all; the men can talk to each other through the walls.

3935. Then in point of fact you have no convenience for putting the sentence into effect?—We have not.

3936. You have of course a number of men constantly at extra drill, by way of punishment?—Not a great many.

3937. How many upon an average?—Twenty-six per battalion on an average; we consider it high if we have thirty.

3938. Are those men what you call *billed-up*?—Those are the men.

3939. For what crimes are those punishments inflicted?—For being out all night, and for other minor offences.

3940. In cases of corporal punishment, do you find that men who are punished commit the same offences again, and are again brought to the halberds?—No, I think it is more effectual. I cannot positively say that they are not, for this very man who was flogged at Windsor, although he has gone on much better, yet he is not by any means what I should call a good soldier. Formerly I am quite sure that a great number of men were flogged over and over again.

3941. Are you of opinion that corporal punishment has more effect in deterring an individual from the recommission of crime than imprisonment with hard labour?—Yes, certainly.

3942. What is your opinion of it as an example to other soldiers who witness it?—I have no doubt it is an example, and that the other is none.

3943. There are some regiments in which corporal punishments are less frequent than in others; have you had any opportunity of observing the difference of discipline in those regiments?—I know a regiment in which, I believe, corporal punishments have not taken place for a considerable length of time, and I do not consider that regiment in the same state of discipline as my own.

3944. Are you aware whether that regiment has a greater number of persons under extra drill and other minor punishments?—Ten times, perhaps twenty times as many as my own; perhaps 200 men from a battalion frequently.

3945. After what you have stated, it is scarcely necessary to ask you whether you conceive it would be possible to keep up the discipline of the third regiment of Guards without the power of inflicting corporal punishment in certain cases?—It is my decided opinion that it would not.

3946. Is that the opinion which you give generally in respect to the Army from your experience of it?—I should say of the same description of men.

3947. As to the description of men, you sometimes have in your regiment men of rather a superior description to others in point of birth and station in life?—I do not think so. We recruit in the country from the very lowest class; we get better from Scotland.

3948. Have you none of a class such as tradesmen's sons, and so forth?—They are brought up to some trade, but they seldom go through with it.

3949. So that in point of fact you have not persons of a more liberal education?—Scotchmen are better educated.

3950. Do you find the Scotch as well conducted as the others?—Yes, decidedly; almost all our non-commissioned officers are Scotch.

3951. You are called the Scotch Fusilier Guards; perhaps under that denomination you obtain a number of recruits from Scotland?—We are the only regiment of Guards that recruit in Scotland.

3952. What description of men from your experience should you say are the best calculated for the service?—It would be very desirable to get a superior description of men if we could, but I do not see any probability of their entering the Army.

3953. What description of men do you allude to?—Tradesmen's sons, and so forth.

3954. Should you think those persons would be more easily brought under discipline than the common agricultural labourer?—Indeed I think so. I think they would stand more in the fear of punishment, I will not say corporal punishment, but confinement.

3955. Do you not think they would be more impatient under restraint and discipline?—I can hardly answer that question.

3956. But you can speak to the fact of those persons who are better educated being more amenable to discipline from your own personal observation?—No, I cannot do that.

3957. When you recruit for the regiment do you take any pains to inquire into the men's character, or do you only look to their physical qualities?—The recruiting serjeants and the corporals in the country have orders to do that, but I do not apprehend it is much attended to.

3958. You do not then require a character with every recruit that you get?—No. I seldom take a London recruit without a character. If he is evidently a countryman just come up to London, where he has not been twenty-four or eight-and-forty hours, and cannot get work, I take such a man if I am convinced he is a countryman.

3959. You served in the Peninsular campaigns?—Yes, for four years.

3960. From your experience when on service, do you think it would be possible, under any regulations whatever, to carry on the discipline of the Army without corporal punishment?—I should say certainly not; I cannot conceive how it could be done.

3961. Supposing that such an order was given, would it be, in point of fact, possible to execute that order? Could a person, when the regiment is on service in tents or huts, be either confined to hard labour or solitary confinement?—No, I do not see how it could be done.

3962. At home, supposing that corporal punishment was entirely superseded by imprisonment with hard labour or solitary confinement, it would be necessary to have considerably better accommodation for the purpose than at present?—Certainly.

3963. The Guards being quartered in London, Windsor, and Dublin only, have in that respect more means of carrying this sentence into proper execution than other regiments have?—No, I do not see how they have; every regiment of the line can send a man to any prison in the country under the sentence of a court martial.

3964. But the efficacy of the punishment must depend upon the discipline of the prison to which the man is sent?—Yes, it must.

3965. Do you apprehend that the soldiers of the Guards consider themselves to be better off than soldiers of the line?—Yes, I should think they do.

3966. In point of fact they are better off in pay?—They are in point of pay.

3967. Do they consider the circumstance of their being quartered in these three places only as a considerable advantage over the rest of the Army?—No doubt they do.

3968. Then, generally speaking, are the soldiers of the Guards discontented with their situation?—I should say certainly not.

3969. It does not appear to you that they wish for their discharge before they have served their twenty-one years?—Some few do who can get situations.

3970. Upon the whole you think they are satisfied and contented?—Yes; a great number would have liked to have been discharged upon what was called the modified pension, because they were still young enough to have got into places or to have followed other occupations. Now, as there are only two men per battalion a year allowed to be discharged upon the modi-

*Col. W. A. Keate.*

fied pension, they would rather stay and get their full pension, and be discharged as unfit for service. They now serve for a few years longer and get their full pension; therefore I apprehend the country save little by it.

3971. Was there any feeling, at the time of the alteration with respect to the modified pension, of dissatisfaction upon that subject among the men?—Not as to the modified pension; but as to Sir John Hobhouse's warrant I should say there certainly was.

3972. What effect had that?—Sir John Hobhouse's warrant only took effect with regard to men enlisted since March, 1833. They must serve twenty-four years before they can be discharged, and then only upon sixpence a day—that is, making them serve three years longer, and giving them a pension less by fourpence a day.

3973. That regulation had no effect upon men then serving?—Certainly not.

3974. On the whole, are the Guards more easily recruited in your opinion than the line?—I am not aware that we are more complete than the line; we do not recruit very fast. I want twenty-six men now to complete.

3975. You said that you were quite confident that the power of corporal punishment must be retained, unless the soldiers were persons of a superior description to what they are now; have you ever considered by what means a better description of persons, such as you allude to, might be induced to enter the Army?—No, I cannot say that I have, unless it is by conscription.

3976. Even in the case of conscription, it would be necessary to give the conscript, the person balloted, the power to find a substitute?—I do not know how that is managed in foreign armies, where there is no corporal punishment.

3977. Are you not aware that in France, where the Army is recruited by conscription, there is a power in the balloted man to obtain a substitute?—I should suppose so.

3978. Supposing a ballot to be established here, do you not think that in a great number of instances the balloted man would find a substitute?—Most likely.

3979. And that substitute would be the same description of men as we have now?—Yes; therefore I should still conceive it necessary to retain the power of corporal punishment.

3980. Is there no system of reward or superior advantage that you can point out to be held up to the Army that might induce such a better description of persons as you allude to to enter into it?—In my own regiment we have three classes of men, but I am sorry to say they do not amount to a very great number, and the indulgences we can give them are, I am sorry to say, very few.

3981. What is your first class composed of?—Of men who have never been reported at all, or not reported for three years.

3982. What is your second class?—Of men who have not been reported for two years and upwards.

3983. How many are there in the first class?—Ninety-four in one battalion.

3984. That battalion being how many strong?—About five hundred and fifty.

3985. Therefore you have nearly one-fifth of the whole in the first class?—Yes.

3986. In the second class how many?—Seventeen in the first battalion, and thirty-four in the second.

3987. The third class are composed of men who have been reported?—Of men clear of all reports for one year and upwards.

3988. How many men are there in that class?—Fifty-three in one battalion.

3989. Are these men anxious to be placed in the classes to which you have alluded?—I should think they are.

3990. In addition to this, suppose that these persons belonging to the classes had some particular description of dress, do you think that that would have a good effect?—Yes, I think it would, and I think they might have more indulgences, such as not doing swab duty, or fatigue duty.

3991. You exempt them from parades, do you not?—They are exempt only from parades when a punishment is to be carried into effect; they are not exempt from fatigue parties, and have all the indulgences that we can give them, such as going on furlough, and so on.

3992. Do you think the other men look up to those who are in the first class with more respect than they do to the other men?—I do not know that they do, more than they look down upon a man that has been flogged; I do not believe they do either.

3993. And are you convinced they do not look down upon a person that has been corporally punished?—Yes; I am afraid it is the case if he has been flogged for a military crime. If he has been flogged for thieving, I think it would be otherwise.

3994. In that case the contempt would be consequent upon the crime, not upon the punishment?—Yes.

3995. Upon the whole, are you of opinion that some order of merit, giving a distinction in dress, or something of that sort, would have a good effect?—I think so. There are two men in every battalion who get a gratuity and a medal every year, and the number who apply for that is very great indeed.

3996. The medal is given to them after they are discharged?—After they are discharged.

3997. Not in the face of the regiment when they are soldiers?—No.

3998. Are there any other means that you can point out which might form the subject of inducement to persons of a better description to enter the Army as soldiers?—I think soldiers ought to be permitted to walk in public gardens when properly dressed; the dress of a soldier now excludes them; and I think a greater reward should be given them for length of service than the present rate of pension, which, under the new warrant, is only sixpence a-day.

3999. Do you think that the abolition of corporal punishment would have the effect of inducing a better class of persons to enlist?—Indeed I do not. I do not think they think of it

when they enlist; and when they are enlisted they know perfectly well that it is never likely to fall upon good men.

4000. Do you ever take an opportunity of speaking to the recruits upon that subject, and ascertaining how far they take that circumstance into consideration?—No, I never did. I do not like to speak to them on that subject.

4001. Have you any such thing as company courts martial in your regiment?—Not now; there used to be formerly, and with very good effect.

4002. Were they abolished by an order from head-quarters?—Yes.

4003. When?—During the Duke of York's time; I forget the date.

4004. Are you aware that in some of the Armies on the Continent it is the practice to put upon every court martial one or more persons of the same rank as the culprit who is upon trial?—Yes, it used to be so in the Hanoverian service when I was in Germany.

4005. When you had an opportunity of observing that, what effect did it appear to you to have upon courts martial; had the private, for instance, who was placed with the officers, an opportunity of giving his opinion, and was he fairly attended to?—It is so many years ago that I do not recollect.

4006. Suppose such an alteration to be made in the system of courts martial in this country, do you think it would have a good effect or otherwise?—I have always observed that the men are extremely severe upon one another. I am alluding now only to company courts martial; they used to flog the men most severely; in fact, they used to flog their comrades a great deal more than they would have been flogged had they been tried by the officers for the same offence.

4007. Do you think that the English soldier, if he was a member of a court martial with his officers, would freely give his opinion, and be fairly attended to by the officers on such courts martial?—Not upon an actual military crime I do not think he would.

4008. Do you think such an arrangement as that would be popular among the men?—No, I do not think it would; but it is mere matter of opinion.

4009. You think that in general the men do confide in the justice of the tribunal before which they are tried?—Certainly.

4010. Have you ever considered the subject of stopping the men's pay by way of punishment?—Frequently, and I have always been of opinion that it would be the most effective punishment that could be awarded; that if a man was absent any one day, and proved to be absent, that his pay should be stopped as a matter of course, without reference to courts martial, and that it should go back to the public in the same way as when a labourer absents himself from his duty for a day or two.

4011. Do you mean that it should be a summary punishment inflicted by the commanding officer?—Yes, upon proof of absence.

4012. Or upon proof of his having been drunk?—That, I think, would perhaps cause a great deal of dispute as to the point whether he was drunk, or only a little so; I should not like to try that with the soldiers.

4013. Drunkenness is, in fact, the root of almost all crimes?—No doubt.

4014. Therefore it is more necessary to have some summary punishment applied to it than anything else?—I really do not know what punishment will stop drunkenness.

4015. Have you ever thought of any disgraceful punishment being inflicted within the barracks, such as being put into the stocks?—I have not thought of it, but I think it is a very good idea.

4016. You have seen men *logged?*—Yes.

4017. What effect did that appear to you to have?—I do not think it had much, but it is a long while ago since I saw it.

4018. Have you found that there is any feeling on the part of the soldiers that they ought to be intrusted with civil privileges, such as voting for members of parliament, and so forth?—I never heard of such a thing.

4019. With regard to the promotion of non-commissioned officers in the regiment, have you many instances of non-commissioned officers being promoted to the rank of adjutants and quartermasters in other regiments?—Frequently; at this moment I have an offer for a quartermaster for a regiment in India.

4020. In what proportion do you conceive that non-commissioned officers are sent from your regiment to these situations in other regiments?—It does not happen so often as it used to do in war time. We think ourselves very fortunate if we get a couple within the year.

4021. Do you think that the non-commissioned officers look forward to that promotion?—Yes, I do indeed; and we have sent several to Scotland to be adjutants of Scotch militia.

4022. Has the discipline of the regiment improved or deteriorated since corporal punishments have been less frequent?—The reports are much more numerous, and more cases of insubordination have certainly occurred, but I do not think the regiment, with regard to its effective state, has in any way deteriorated.

4023. Have crimes increased or diminished in the regiment?—Not what I should call crime, but constant absence is the thing complained of.

4024. To what do you attribute that absence?—I attribute it certainly to the infrequency of corporal punishment that the men are not under the same fear of other descriptions of punishment as of corporal punishment.

4025. You know that when men are seen drunk four times they are liable to have their pay stopped by courts martial?—They are so.

4026. May not that circumstance occasion men to prefer being absent when in a state of drunkenness, and keeping so while in that state, to prevent being seen?—It might so.

4027. Have you any suggestions to make with respect to the mode in which corporal

*Col. W. A. Keate.*

punishment is inflicted in the Army?—I think it would be advantageous if it was assimilated to the practice in the Navy, to award so many dozen lashes, and let the cat be the same as it is in the Navy. I think it is the number of lashes given at a time that makes the punishment disgusting, and if this alteration was made the punishment would take place immediately, and would be equally severe.

4028. The cats are much heavier in the Navy?—They are.

[*The witness withdrew.*]

Colonel *Thomas William Brotherton* was examined as follows:

*Colonel T. W. Brotherton.*

4029. You command the depôt at Maidstone?—I do.

4030. How long have you been in that command?—Between three and four years.

4031. What regiments have you served in previous to that?—The Guards, the 14th Light Dragoons, and 12th Lancers.

4032. How long altogether have you been in the Army?—For thirty-four years.

4033. Did you ever command a regiment or battalion?—Yes, for several years.

4034. What regiment?—The 12th Lancers.

4035. How long did you command the 12th Lancers?—Six years.

4036. At the time you commanded the 12th Lancers where were you, on foreign service or at home?—On home service.

4037. Did you ever command a regiment on foreign service?—I have, occasionally, in the absence of my superior officer.

4038. With respect to the 12th Lancers, were you generally quartered in England or in Ireland during the time you commanded it?—Three years in England, and three years in Ireland.

4039. Had you occasion during that time for many corporal punishments in that regiment?—I had occasion for several, but fewer than there had been before.

4040. Were there more corporal punishments in the Army then than there are now?—I should think so certainly.

4041. In the depôt which you command at present have you frequent occasion for corporal punishment?—I have been there between three and four years, and never inflicted corporal punishment until within three weeks.

4042. For what offence was that?—It was a case that seemed to me to require it: the man had been condemned at Chatham by a court martial to the tread-mill, and when brought out to hear his sentence read he threw up his cap in the front of the garrison assembled on parade, and shouted; for which I had him tried, and, after he had received the corporal punishment to which he was sentenced, he was sent back to receive his former sentence, and is now in gaol.

4043. You thought that a case that required immediate punishment in the way of an example?—I thought it a case of gross insubordination, requiring a punishment as an example.

4044. Suppose that the person had been sentenced to an extension of his imprisonment instead of the corporal punishment, do you think that would have had as good an effect in point of example?—Certainly not.

4045. Generally speaking, do you conceive that the punishment of imprisonment, either solitary or with hard labour, has the same effect in point of example as the corporal punishment?—Different effects, according to the individual and to circumstances.

4046. I am not speaking as to the individual punished, but of the example it affords to others?—I think that when an immediate example is wanted, imprisonment either with or without hard labour fails in effect. In the instance above alluded to it was more necessary to make an impression on the garrison assembled, than for the purpose of punishing the individual.

4047. In order to make that impression you thought it necessary to have recourse to corporal punishment?—I did.

4048. And there has been only that one for three or four years?—Only that one.

4049. Have you been enabled to carry on the discipline with the depôt without recourse to corporal punishment?—Yes, I have great facilities for so doing. There is a gaol within two hundred yards of the barracks, and I consider that the immediate marching off an offender to the gaol, in presence of his comrades, has a much greater effect than if such an interval were to elapse between the sentence and the punishment as commonly occurs.

4050. Then the situation of the depôt gives you greater advantages?—Yes; I do not flatter myself that, if I had commanded a regiment till this time, I should have been able to have abstained from it so long, for it is chiefly during marches and other trying circumstances in which regiments are often placed, but which are not incidental to a stationary depôt like that under my command, composed chiefly of recruits, that the power of inflicting corporal punishment becomes necessary to the maintenance of discipline.

4051. What is the general strength of the depôt?—It varies very much; sometimes it is three hundred, and sometimes five hundred; at present it is about four hundred strong.

4052. You avoid, as much as possible, inflicting corporal punishment on recruits?—I do certainly.

4053. From a wish not to send them to the regiment with that sort of mark upon them?—Not so much for this reason as from the principle of trying other modes of punishment before having recourse to corporal punishment.

4054. The man on whom you were obliged to inflict corporal punishment, was he a recruit or an old soldier?—Compared with recruits he was an old soldier and an old offender, a hardened person, as appeared on his trial.

4055. How came he to be sent to you, and not sent from Chatham to the prison?—When they are condemned at Chatham they are sent to the prison at Maidstone.

4056. Do they pass through your hands before they go to the prison?—He did in this instance.

4057. Do you take recruits for the East India Company?—No, only for the King's service; and the riding establishment of the Army is also under my command, composed of old soldiers. We have the depôts of four regiments of British cavalry which are now in India.

4058. Do you find that these regiments obtain a better description of recruits than the other regiments?—I should say not a better sort, though a very peculiar description of recruits, men who are anxious to get out of the country, either from having quarrelled with their families, or for some other reason.

4059. Men of superior class in life?—Very superior; I had the son of a Peer of the realm come to me within the last few months.

4060. In such cases as these do you find these men more amenable to discipline and order than men of a lower class of life?—I am sorry to say that I think the worst description of soldier is a decayed gentleman, or a man born in a better sphere of life.

4061. In your opinion, which is the best description of recruit?—The common agricultural labourer.

4062. Would you prefer such to the sons of tradesmen, who have been taught to read and write, and received a certain degree of education?—By far. I have observed that the fewer men that read or write, in a troop or company, the better behaved they are.

4063. In what way do these gentlemen's sons show their unfitness for the service?—In the first place they do not mix so well with the remainder as if they were on a level with them, and I experience some degree of perplexity in dealing with them. If they show anything like gentlemanly feeling, you cannot apply, without reluctance, the same means of coercing them as applied to men of a different class. In the instance I have mentioned I wrote to the father of the young gentleman, stating that I should wish him to reconsider the subject before I sent his son to India as a private soldier.

4064. Was he discharged in consequence of that?—No, he went to India as a private dragoon, the father persevering in his determination.

4065. Are you at all aware of what sort of a scrape he had got into besides being in debt?—I really do not know. I recently had a lady who came down in her carriage with her own son, to place him with me as a recruit. I asked her to tell me what was his prevailing vice, and she candidly told me that he was a robber; but from the father of the other young gentleman I never could obtain any direct information of the sort; he merely said that his son was a *finished blackguard*. I certainly found him wanting in proper pride, but he has sometimes cried before me, which I thought showed not a total absence of feeling.

4066. Do you promote the men to the rank of non-commissioned officer at the depôt?—Yes.

4067. In promoting men to the rank of non-commissioned officer, have you ever fixed on such men as you have just alluded to for the purpose?—I have.

4068. Did they make good non-commissioned officers, in your opinion?—I should say not so good as the class of persons that I have said I should prefer as soldiers.

4069. Their better education of course would naturally fit them for that situation?—There is no very great degree of education required to make very good non-commissioned officers.

4070. You have a school at the depôt?—Yes, we have.

4071. Do all the recruits attend the school?—It is optional; a great number of them do. There is a small subscription which they are obliged to pay for stationery, and some prefer a pot of beer to paying their subscription to the school, but it is still numerously attended.

4072. Are you at all conversant with the discipline of foreign Armies, particularly the French?—I can hardly say that I am conversant with their discipline, though I have lived a great deal with the French Army, having family connexions in it.

4073. I believe you have a brother-in-law in the French Army?—I have two.

4074. Do you mean to say that you have lived with the regiments?—I have.

4075. In France?—Yes, in their quarters.

4076. You have had an opportunity of seeing a good deal of them?—I have lived with several ranks of them.

4077. Do the officers of the French regiments live together as our officers do, at one mess?—No, they live by ranks.

4078. How by ranks? do the captains and field-officers mess together?—The field-officers at one mess, the captains at another, and the subalterns at a third.

4079. Do these three messes never come together upon any occasions?—I have never seen it; there may be occasions when that happens, but I have not seen it.

4080. Is there a great distinction kept up among the officers of different ranks?—There is.

4081. So that they are not on the same footing, like the officers in our Army?—There is more reserve and distance between the ranks than there is in our service, even at times when the laxity of discipline in other respects is evident.

4082. Is there that common good feeling that exists in our Army as between one gentleman and another?—There is a greater degree of formality between the ranks, but not more real respect, nor so much cordiality, I should say.

4083. In the lower ranks of the officers of the French Army there are a certain number of individuals who are promoted from the ranks?—Yes.

4084. Are you at all aware in what proportion?—I never understood in any fixed proportion.

4085. But every person must go through the rank of a *sous-officier* before he can arrive at the higher ranks in the Army?—Yes.

*Colonel T. W. Brotherton.*

4086. Then in the situation of sub-lieutenant and lieutenant, and up to captain, there are constantly some individuals who have risen from the ranks?—There are.

4087. Are there ever any of these individuals in the superior ranks?—There are many now. The age of many of the officers in the French Army is so considerable, that many of the higher officers have risen through seniority. They do not allow them to move off as they used to do.

4088. Lately have not so many risen from the ranks?—No, very much less.

4089. Have you ever had an opportunity of observing the footing on which these men who have risen from the ranks are with respect to the other officers who have come into the Army as officers in the first instance?—I have principally been with the cavalry in the French Army, which in that respect differs from the infantry. In the cavalry I think these men are not looked upon quite so cordially by the remainder of the corps of officers.

4090. They are looked upon as inferior to those who come into the Army as officers?—They are.

4091. At what age generally do these persons become officers?—At a very advanced age. The French Army at present is a very curious spectacle in point of age. It would be comparatively non-effective for active service, owing to this extraordinary superannuation of its officers.

4092. Have you not known instances in which young men have been raised from the ranks to the station of officers?—That has not occurred since the peace. During the war, for merit in the field, they rose very rapidly.

4093. Are those men who have risen from the ranks able to live at the mess with the other officers of the same rank?—Yes; their mess is very reasonable, and in proportion to their means.

4094. Are officers in the French Army in general persons who have considerable sums of money to expend, independent of their pay?—More so in the cavalry than in the infantry. The less wealthy persons avoid the cavalry on that account.

4095. You are not so well aware of the circumstances affecting the infantry as the cavalry?—I have seen little of the infantry.

4096. In the French regiments of cavalry, and indeed in the French Army, corporal punishment is not practised at all?—No, not at present.

4097. For offences of a grave nature in the French Army they have recourse to the punishment of death?—To capital punishment.

4098. And sending to the galleys, and so forth?—Yes, a great deal of that description of punishment.

4099. Are punishments of that description frequent in the French Army?—No, rare. On the whole they seem to me to tolerate a considerable degree of laxity of discipline, and then all at once to have recourse to very severe remedies. I should say it was an unequal mode of discipline. When I was at Tours, last summer, I saw a great laxity of discipline, and I expressed my surprise to the officers; and three weeks after I left Tours there were, I understand, four capital punishments in the garrison.

4100. Are you aware for what offences?—Outrageous conduct, and striking their officers or non-commissioned officers.

4101. The consequences of drunkenness probably?—Yes.

4102. Comparing the punishments in our Army with the French, what do you conceive those persons who are executed would have made themselves liable to in our Army?—I should say we should apply corporal punishment to striking a non-commissioned officer, being a case which required immediate example.

4103. You are aware what these offences were for which these men were executed; are they such offences as would be tried by a regimental court martial, and punished with two hundred lashes?—I should certainly at the moment have had recourse to corporal punishment; but, if I had not the opportunity of inflicting it by way of immediate example, I might then have turned over the case to a superior tribunal.

4104. On the supposition that they were handed over to a general court martial, what in your opinion would have been the punishment awarded by such court martial?—Transportation.

4105. That is only had recourse to for very grave offences indeed?—For very grave offences.

4106. You think the offences for which these men were executed were of the same degree as those for which transportation would in general be awarded by courts martial?—By a superior tribunal to a regimental court martial, but I think in the Army generally they would have been dealt with by regimental courts martial, and corporal punishment awarded and inflicted on the spot.

4107. The extent of the punishment of a regimental court martial would be two hundred lashes?—Two hundred lashes.

4108. Did the crime of drunkenness appear to you to have become more frequent in the French Army of late?—It did.

4109. Have you ever heard any of the officers of the French Army give any reason for the increase of that offence?—I heard local reasons assigned at Tours which I did not consider adequate. The officers there told me that I must make some allowance for the troops then in the garrison, who had just come from the north of France into the wine country of Tours. I did not admit that reasoning, for I know that spirits are so cheap in the north of France that I have heard officers in the south dread marching to the north on account of the *eau de vie* being so cheap there. It is evident that drunkenness has of late crept into the French Army a good deal; and it appeared to be treated comparatively with impunity, as their officers saw them drunk in the streets without noticing it. Now, although we do not speak to a drunken soldier in the streets, we take measures to have him sent to the barracks.

*Colonel T. W. Brotherton.*

4110. Upon the whole the discipline of the French Army did not appear to you to be so well maintained as the English?—I should say it was particularly lax, and not nearly so well maintained.

4111. If a regiment under your command had been so lax as they appeared to be, should you have conceived that you were liable to be reprimanded and dealt with by your superior officers?—Certainly. I should be ashamed of having troops behaving in that manner under my command.

4112. Did you ever make any remark of that sort to the officers?—Very often.

4113. And what did they say in answer to that?—They candidly allowed that the discipline of their Army was not what it had been.

4114. At a time referred to as being one of better discipline, did they refer generally to the time of the Emperor Napoleon?—Yes, they did.

4115. Did you ever gather from them that punishments at that time were more severe than at present?—Yes, and there was a much more prompt mode of discipline.

4116. Corporal punishment was equally prohibited at that time?—Yes, it was.

4117. Are you at all aware whether there is any system of punishment by the men themselves in the regiments?—I cannot speak positively; I think not. We had it in our own service at one time also, but we have given it up, and I think they have also.

4118. How are their courts martial composed?—Of all ranks.

4119. There is always some individual of the rank of the culprit?—Yes.

4120. Are the officers or non-commissioned officers in the French Army allowed to give what is called a "*coup de plat de sabre*" to the men?—Though it may not be licensed, yet I have seen them do it occasionally in the field, and it was not noticed by the general. We never have recourse to such a proceeding.

4121. What is the nature of the "*boulet*?"—It is a cannon-shot fixed to a chain at their heel.

4122. In point of cleanliness and comfort in their barracks, are the men of the French Army as much looked after in those respects as ours are?—A great deal looked after, but their comforts are not equal to ours.

4123. And are they as strict with them in respect to their clothing and neatness, and so forth?—No; the appearance of the French Army is at present very inferior to ours.

4124. Great care, I apprehend, is taken of their arms?—Their arms are generally in good order.

4125. Are you aware whether the great proportion of the French Army consists of conscripts originally balloted, or men who are what we call substitutes?—The majority are conscripts, but a great many are "*remplaçans*."

4126. Are many of the conscripts in a superior condition of life?—Many of them are sons of respectable farmers and tradesmen.

4127. Have you ever heard the French officers say how far these men make better or worse soldiers than the common labourer?—I think two-thirds of their Army are composed of the better class. Of course, the discipline they have to apply to these men would be of a milder description than to the lower class.

4128. Do they generally take non-commissioned officers from that class?—From the better class.

4129. They serve for a certain number of years?—For eight years.

4130. Then they are entitled to their discharge?—Yes.

4131. With a pension or without?—Without a pension.

4132. Is any order of merit given to them for good behaviour during peace?—Not any.

4133. What is the legion of honour?—In peace time a certain number of years' service entitles to this distinction.

4134. Do you mean seniority as respects officers or soldiers who have served a certain time?—I believe only as respects officers.

4135. Is the legion of honour now confined very much to officers?—Yes; it is only in the field that it is given to private soldiers.

4136. But that was not the case in Buonaparte's time?—I have known it during the war given to a whole company at a time for distinguished conduct.

4137. The legion of honour was only given for conduct in the field?—In the field.

4138. Have they no distinction of dress for good behaviour?—I have seen none.

4139. Have they not a chevron?—Only in the same way as we apply it, to distinguish ranks, not for merit. They can hardly find any particular merit in their soldiers, having them only eight years.

4140. Are you aware whether at the end of those eight years the men generally insist on their discharge?—Yes, they generally do; it is encouraged that they should do so.

4141. On what principle is it encouraged that they should do so?—The object being to form a military nation more than to perfect the soldier. When I asked the French officers why their men could not do such and such things, they replied that they had them not long enough to teach them; and when I asked why they were not kept longer, they said the Government preferred sending them home after eight years' service, and getting new men in their place.

4142. The system of discharging the men at so short a period as eight years, must, of necessity, make the regiment very ineffectual in the field, so far as military discipline is concerned?—It does, and it is the wish of the commanding officers to keep their men as long as they could, but the Government will not allow of it.

4143. In time of war they cannot insist on their discharge?—That is suspended during active service.

*Colonel T. W. Brotherton.*

4144. Then there are no pensions whatever given?—Not any.

4145. Are a certain number of men raised by conscription every year, or every two years?—Every year.

4146. Is a man allowed to re-enter at the expiration of his first service?—I think not at present; it used to be so, but it is evident that the object is to drill the whole population.

4147. Do the "*remplaçans*" engage for eight years?—They do.

4148. Do they generally insist on their discharge?—They do; they are generally a wretched description of men. I was quite surprised to see the trash they take; it must counteract the intentions of Government.

4149. Do you mean to say trash in point of appearance or conduct?—In point of appearance.

4150. On the whole, should you say that the French regiments seem to be composed of a better class of men than the English?—I should say so, evidently a different and superior class.

4151. Has that a great effect in enabling them to do without corporal punishment?—I have no doubt of it. I do not know that I should prefer that description of men to the lower classes for particular enterprises, but certainly for facility of discipline they must be much preferable to the lower class.

4152. The system of renewing a certain proportion of the regiment every year enables the officers to keep up their discipline more easily from having a certain number of men always keeping the recruits in order?—Yes; but they pleaded as an excuse for the defective appearance of their corps, that they have them only for so short a period.

4153. Have you ever had an opportunity of observing the French Army on a march?—Merely casually; I have never accompanied a regiment on a march.

4154. Have you observed their discipline to be as well preserved on a march as in our Army?—I should think it is not so well preserved. They have, however, a loose way of doing things, which may not prove a want of discipline; for instance, a slack way of marching, which we could not think of allowing in our regiments, as it would degenerate into disorder.

4155. Have you ever heard the French officers give any reason why the habit of drunkenness was less common with them than it is with us?—They consider it as a national defect inherent in our population.

4156. They are quite aware that that vice is more common with us?—Yes; there are officers at present in France who have served with our Army, and their opinion decidedly is, that we could not do without the power of inflicting corporal punishment. I could name many persons of high rank who have served in both Armies, who think it perfectly impracticable to do without it. I have conversed with them lately a good deal upon the subject.

4157. Have you ever had occasion to observe, when on foreign service with the English Army, the state of the French Army in front of you?—Yes, very frequently.

4158. Did it appear to you that the discipline was as well maintained in the French Army as in the English on that occasion?—Certainly not.

4159. Do they generally allow that?—I think they do. They railed at us for our strong measures occasionally, but they always admitted that our discipline was excellent.

4160. When you speak of a greater or less degree of discipline, you mean as to their conduct in quarters, and to the inhabitants of the country in their line of march?—Yes; they took liberties which our men did not dare take. Generally speaking, the French discipline was not equal to ours.

4161. When you speak of the officers having observed upon the severity of our discipline and our punishments, did you ever remark to them that they were much more inclined to put persons to death who committed offences in their Army, than we were?—Yes.

4162. How did they account for that?—They said that we had no point of honour in our soldiery, such as they had in theirs, from the superior class of which their Army was composed. I told them that the class of individuals composing our Army was so different from theirs, that we did not expect that fine feeling which a large proportion of their men had,—a sense of shame on returning home if they had not conducted themselves properly.

4163. That sense of shame is kept up very much by the whole population being military?—Exactly so. A soldier there is respected; in this country it is rather the reverse.

4164. Then in point of fact, the whole male population go through the ranks of the Army?—They do.

4165. Are there any instances in the French Army of persons entering voluntarily?—It is not allowed I believe at present.

[*The witness withdrew.*]

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*Friday, 29th May,* 1835.

The Right Hon. Lord WHARNCLIFFE in the Chair.

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*Rev. Harry Stuart* was examined as follows:

*Rev. Harry Stuart.*

4166. You are a clergyman of the Scotch church?—I am.

4167. Where do you reside at present?—Near Aberdeen.

4168. Have you a kirk there?—No, I have no church.

4169. Are you assistant minister?—No.

4170. The Commissioners understand you have been employed as a chaplain in the Army?—I have.

4171. As attached to any particular regiment or a garrison?—Attached to Aberdeen garrison, but with no commission.

4172. How many years have you been in that situation?—I began to officiate in July, 1827, about eight years.

4173. How many military have there generally been in Aberdeen since that time?—They have averaged about two hundred and fifty; I have had altogether upwards of one thousand four hundred men under my charge from first to last.

4174. Of different regiments?—Yes, the depôts of service companies abroad moved generally once a year.

4175. You are chaplain to the depôt at Aberdeen?—Yes.

4176. Of course the recruits at that depôt are entirely Scotchmen?—Mostly Scotchmen.

4177. Members of the Scotch church?—Yes; sometimes they have recruits from other parts of the empire; it depends upon the station in which the regiment has been before, or to what quarters they have sent recruiting parties. The 25th had a good many men from Ireland and from England. In fact they are classed among the English regiments, in consequence of which I had no allowance for attending them after the first half-year.

4178. Are those from Ireland in the habit of attending at your church?—The order is that the men shall march to the church where they can be accommodated with the inhabitants. My duty principally was to visit the school and hospital; the Irish were generally Roman Catholics, and they were allowed to file off to go to the Roman Catholic chapel.

4179. In the course of your service as chaplain to Aberdeen barracks, have you had occasion to see men in the hospital who have been punished?—I have seen only three.

4180. Have you been allowed to visit the prisoners under sentence of confinement at any time?—Yes, they were my particular care, I paid each of them regular visits of half an hour or more at a time. I did not do it from the beginning, I did not know my duty so well for the first year; I contented myself with admonishing them after they were released. A military chaplain cannot be very efficient until he acquires a general knowledge of the service.

4181. But for some years past you have been in the habit of visiting not only the men in the hospital, but the men under sentence of confinement?—Yes, those in Bridewell, in the barrack cells, and in the defaulters' room. I have attended more than three hundred defaulters in those places.

4182. When you have visited those men who had been sentenced to corporal punishment and had received that punishment, in what state of mind did you find them?—I found them very much discontented, but after speaking to them in private, when their backs were beginning to heal, and showing them the justice of their sentence, and explaining to them the necessity of supporting the strictness of military discipline, and the obligation of their military oath to that effect, they appeared satisfied; but they spoke much of the disgrace which had been inflicted upon them, and were more afraid lest their friends at home should hear of it, than of any other consequence. And I beg leave to remark that were punished soldiers attended in this way by a chaplain both before and after they suffered, the bad effects said to result from it to the prisoners would not so often appear. On the contrary, I presume it might prove the means of reclaiming them, or at least prevent them from plunging into that excess to which flogged soldiers are apt to give way. Without such attention I do not think it can improve them.

4183. Do you mean the disgrace consequent on that description of punishment, or the disgrace consequent on the offence?—The disgrace consequent on the punishment.

4184. Did you find that feeling among old soldiers as well as the young ones?—No, I find that it depends upon the nature of the crime, whether disgrace is much attached to it or not, by those who have not endured it; that if it is for theft or anything of that kind they are much looked down upon by their comrades, but if it is for a military offence they do not attach much disgrace to it, and as a proof of this, they are always very kindly treated in the hospital by their comrades. This feeling of sympathy may not arise, however, from their comrades supposing that they have been unjustly punished. It is natural to sympathize with our fellow men in a state of suffering under almost any circumstances.

4185. Had you ever any opportunity of seeing old soldiers who have suffered this corporal punishment?—Yes, I have seen several very old soldiers. I have an account of a man who was sent to Aberdeen bridewell from Fort George for punishment. He had been twenty-nine years in the service; he had received altogether a thousand lashes at different times under different sentences; he had been confined altogether nearly five years during his servitude for different crimes, I forget now what they were; he could neither read nor write, he was a very ignorant man. He was sent to Aberdeen bridewell for habitual drunkenness and rioting, by sentence of a general court martial, for twelve months: he seemed quite callous and insensible to any good feeling, and void of any good principle, the first two or three times I visited him. The first thing I did was to teach him to read. After he began to read a little of the Scriptures, and to understand the principles of the Christian religion, his heart became very much softened indeed, and he looked back on his former conduct with horror, and acknowledged the justice of all the punishments that he had got.

4186. How did you acquire the information of his different punishments?—From himself; I had no other means of acquiring it. I attended him for twelve months, once or twice a week, half an hour or more each visit.

4187. At the conclusion of the period of his confinement, did it appear to you that the pains you had taken with him had had the effect of making him a better and more moral man?—He appeared to be under the very best impression when he went out.

4188. Have you ever had an opportunity of learning what became of him afterwards?—No. He told the governor of Bridewell he never thought he had a soul till he came to Aberdeen. Notwithstanding the great progress he made both in good principles and feeling, unless some one were with him to admonish him from time to time, it is not unlikely that,

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exposed as he must be to temptation, these impressions will wear off. The money which he saved in Bridewell would prove a snare to him. Drunkards ought never to get their savings. A civilian may require them to begin again in the world; but a soldier has his barrack and his pay awaiting him when he is released.

4189. In fact, you awakened in him the feelings of religion which were dead before?—Yes, and I thought I was the means of doing so, and the prisoner thought so too. I have found most defaulters dead to these feelings, and it is only by private and personal admonition that these feelings are likely to be awakened. Illiterate and dissolute men comprehend little of the sermons they generally hear, and seem not at all affected by them. The intention of sending them to church with civilians, is to keep up a friendly intercourse with them. If there be anything in this, it is more than overbalanced by the miserable accommodation they generally get, places to which no others go, because they cannot hear, and sermons neither suited to their capacity, nor to the peculiarities of their profession.

4190. Had you ever any conversation with that man on the comparative effect of the two punishments of confinement and at the halberds?—I must have had conversation with him upon the subject, but cannot recollect what he said; but I have had conversation with a good many others on the comparative effect.

4191. Can you state any case in which you have had that sort of conversation?—I have here a short account of the lives of seven or eight men that have been so punished, with a statement of their feelings which I took as they stated them; one was taken from a man while he was in the Bridewell on a civil prosecution, the others were taken when the men were on duty.

[*The following Extracts from a Memorandum Book kept by Mr. Stuart were read:*]

"The —— regiment was in Aberdeen barracks two years and two months. I did not then attend particularly to the prisoners; did not fully know my duty or the means of doing good among the soldiery; visited the hospital, conversed with the patients, and taught some of them to read, gave them a short exhortation from any passage they chose, and which some of them professed not to understand. A good many indifferent characters were in this way aroused to a sense of their duty. The worst characters are to be found as much in hospital as anywhere else; and if it were a standing order that each should have a Bible and that it should go with his kit to the hospital, much more good might be done. In my opinion there should be an inspecting chaplain attached to the staff of each district, to go round and see that other chaplains are doing their duty, and to put the beginners in the proper way of being most useful. The inspecting chaplain ought to be a working man himself, otherwise he cannot be a proper judge of the duties of a military chaplain, which have many peculiarities different from those of parochial clergymen.

"Serjeant M. who kept the hospital had received, when in the West Indies, six hundred lashes, said it was for getting drunk and striking the serjeant of the guard when he laid hold of him on coming in late; there were five or six flogged men in the hospital, all arising from drunkenness—that he was made no better by the punishment—could never go to bed easy till he had spent all his pay on drink—was a sober boy when he enlisted. That the swearing and gross language of the barrack room were the first means of effacing the impressions he had received from his father who was a pious man; did not think the soldiers in his younger days could have been kept in order without flogging, but was sure it did not prevent drunkenness. The serjeant was a good steady man, and seemed anxious to acquire a knowledge of his Bible, always attended prayers with it in his hand.

"A soldier was flogged in the —— regiment for maiming himself; I was in the country when it happened. Taught a Sunday school, which a good many men attended; frequently gave the men at the day school a good advice which seemed to be received with deference. I saw this depôt at a different station some years after, and was very much gratified by the acknowledgments of some of the men, on whom I was not aware of having made any impression.

"The depôt of the —— succeeded —— fourteen months in Aberdeen; I visited the defaulters and prisoners; one man punished, one hundred and fifty lashes, drunk and leaving his post on guard. Had a lad, S., six weeks in the black hole for being absent for three days; he had been a merchant, was given to drink when he enlisted, behaved well for a while, but heard he had misbehaved on his route to the transport. A few were reclaimed and expressed their gratitude, but do not recollect their names, as I then kept no list. The commanding officer sometimes released them at my intercession, they sent no men to bridewell, the canteen was not then opened. This depôt had a benevolent fund amounting to £5,000, which had been raised in India from the profits of a canteen kept by two of its own non-commissioned officers. The interest of this sum went to clothe and educate the children, or kept them very comfortable.

"Soldiers very insensible to their punishment, and go into confinement with a determination to brave it out. For the first few visits could scarcely discover how they felt, as they were so much on the reserve if I had not visited them before. This reserve arises chiefly from the necessary distance kept up between them and their officers, without which I hardly think British soldiers could be managed. But it is different with a chaplain as regards his duty among them. The sacredness of his profession secures him sufficient respect, while the nature of it leads him to be familiar with both officers and men, and thus forms a most beneficial connecting link, and were this link well supplied, I presume it would be the best means of rendering efficient the present plans for suppressing crime. I met with the defaulters much oftener than with the good men. As the women did not go to church, preached a short sermon to them in the afternoon. No class of persons in a more deplorable state than soldiers' wives; their children, cooking, and want of dress, prevent them from attending church; some of the men attended. Taught a Sunday school; a good day school.

"Depôt of the —— regiment succeeded in May, 1831, left 1st September, 1832. Commanding officer, on entering into my views, ordered Sunday school at one o'clock. Parents attended and officer of the day—found this a most excellent plan. It gave the parents an interest in their children which soldiers have not, while it gave them an opportunity of acquiring some knowledge. On leaving they sent a non-commissioned officer to thank me for my attention to themselves and children. Commanding officer ordered all defaulters to parade in the school-room every Saturday to get a

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serious admonition. Ordered all deserters to be admonished, and all recruits both before and after attestation—frequently called out the men to be admonished on any outbreaking of crime—frequently released prisoners at my request. This had the best possible effect, and was quite in the spirit of the seventh clause of Sir Herbert Taylor's most excellent letter of the 24th June, 1830—found the prisoners generally very hardened. They do not begin to fall in their mind until about thirty days' confinement—seldom feel till their body is brought down, unless they are very young soldiers—are more indifferent about religious instruction than civilians of the same rank; a proof of this is that when not marched to church, very few go. The way in which Sunday is kept in a barrack tends very much to root out Christian principles. Have heard many date their ruin from the neglect of the Sabbath, and on their deathbed deplore the manner in which they were obliged to spend it. There should be no barrack inspection on that day. The sound of the parade bugle alone should be heard, and two short services to keep the men employed if it did nothing more. This would tell powerfully on ignorant country lads. Have attended upwards of twenty dying soldiers—not five of these prepared for death, and most of them very ignorant and dissipated. I paid them daily visits as soon as the surgeon allowed me. Very few soldiers attend sacrament, though I always gave them an opportunity of doing so. Soldiers much more ignorant of religion than civilians; many of them cannot read—few of them have Bibles. The Bible ought to be a necessary article of inspection; many after they get them soon lose them; I have found some in the pawnbrokers' shops. When a recruit joins he expects to get a Bible from the Naval and Military Bible Society. It is generally two or three years before he is offered one, and by that time he does not care whether he gets one or not. Recruits ought to get such a bounty as would mount them on parade free of debt. At present a recruit is about a year before he receives one penny of pay; this not only breaks his spirit but hinders him from buying any book to improve his mind. 'I am not yet out of debt' is the general answer I get from recruits when advising them to the means of improving their minds; generally it takes three weeks before a soldier can be got to comprehend much religious instruction; seldom found punishments by regimental courts martial have any effect, they are too slight as regards confinement; the powers of these courts might be safely extended in that respect.

"Recollect L. M., in the ——— regiment, was a most hardened man; tried to force a shoe-brush down the turnkey's throat; told me he would desert again, because the commanding officer was so cruel as to keep him in so long; I persevered with him; he staid his full time, six months, as I had not confidence in him; was long in the hospital afterwards; was very grateful, and never while in Aberdeen was before the commanding officer.

"D. M. had been absent for several years from his regiment; was an ignorant farm-servant from England; could scarcely read; taught him to read; he committed a good deal of Scripture to memory. I was so pleased with him as to recommend him for release; he said he had not confidence in himself; was content to stay rather than run the risk of being tempted to commit another great sin; remained two months, the remaining two months remitted; I saw him afterwards, and was pleased with his seeming gratitude and happiness; he said he was never happy before, and very unhappy when a deserter; could not tell what tempted him to desert; was not a day absent when he repented, but was afraid to return. Perhaps if regimental courts martial were allowed to try two months' absence under the name of *absence without leave*, instead of calling it desertion if more than twenty days, and trying it by a district court martial, many deserters would return of themselves.

"D. S. said he was enticed away by bad companions and was afraid to return.

"Found H. crying one day because he had been branded; his connections were rather respectable.

"Both branding and depriving of service and pay have a bad effect on deserters. They get quite reckless afterwards, while it does not prevent others from deserting; better give them a good smart punishment at once. By the circular letter of 1830, both service and pension may be restored if a deserter behave well in future; but this is from various causes so seldom realized as to prove no encouragement; and these slowly operating prospective punishments have no effect on the mind of a man that would desert or is given to drink.

"J. J. was a confirmed drunkard; he was one that disappointed me; after getting about thirty struck off the noted list, when they had kept clear and attended my instructions for a month. He had done something almost amounting to perjury, in giving false evidence against another man, when General ———, on reviewing the evidence, ordered that person to be acquitted, and J. to be tried. J. was very penitent and very diligent, but the depôt moved on his release.

"J. G. was tried for leaving his post; told me he left it because he was drunk, and because, had he remained, he would have brought in the whole guard; did well while in Bridewell, but how he conducted himself I do not know.

"P. M. was a thief and a deserter; I gave him the usual lessons; these were certain portions of Scripture to be committed to memory; I find this the only plan of doing good to prisoners; it keeps their mind vigorous in solitary confinement, while it stores it with truths which, if they affect not the heart at the time, they may do it afterwards, as they cannot get quit of them; if they are merely told to read their Bible, they may deceive, by saying they have done so when they have not; he continued hard for a long time; remained his whole time, three months; was much reduced; picked oakum; was sent to hospital afterwards; one day, when standing sentry, I asked him how he was; he said he had me to thank for what he was, and certainly I should never have known him again, he appeared so clean and so soldier-like, and as long as they remained in the town he never appeared on the defaulters' lists; an officer said I had made a good job of him.

"W. B. had deserted three times; had been a butcher; was reckoned the most hardened fellow in the whole corps; he had been flogged; told me when I began to admonish him that I might save myself the trouble, for he was determined to desert until he should be transported. I then entered very solemnly into the nature and obligation of his military vow, and before I had done I saw tears fall. After that he gradually became more softened, and I prescribed him the usual lessons. He got leave of absence some time after, returned in time, and was steady for eighteen months.

"J. F. and W. A. were confirmed drunkards; they had too short time for confinement, twenty days; I had no hope of them, although they professed much; they were so ignorant.

"J. H. was an old good-natured drunkard; was very thankful for my admonitions, committed Scripture to memory, was steady and did not go out of barracks as I advised him till he got leave to

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go and see his mother, when he got drunk, fell and broke his head; was in hospital for some time, said he felt quite ashamed at seeing me; was recommitted to Bridewell a second time for allowing a prisoner to escape from the guard-room; would have required a whole year of a Penitentiary to give him any chance of being reclaimed. It is not so much that these drunkards are hardened, as that they have lost all self-control, and have lost the power of withstanding temptation. Flogging can do them no good; something is required to break their habits and restore the vigour of their minds. H., poor fellow, was just one of that sort. I think he said he had been flogged.

"J. L. This was one of the most pitiable cases that ever came under my observation. A soldier of twenty-nine years' service; could not read; had got one thousand lashes; had been altogether nearly five years confined; had at last got twelve months' Bridewell for habitual drunkenness; was to lose his service and pension. First few visits I could make nothing of him, and began to despair; was encouraged to persevere by the governor of Bridewell telling me that L. had said, 'he never thought he had a soul till he saw the Aberdeen Chaplain;' attended him very often, for nearly an hour once or twice a week, till he could read pretty well; he was often moved to tears for his past life; saw him in barracks, and gave him a last solemn warning; do not know what became of him.

"T. S. was tried for rioting and drunkenness; was a fine-looking high-spirited fellow; had been a butcher; was attentive and grateful, but I had no confidence in him, as he did not seem impressed. Both he and L. were Englishmen.

"D. S. was a bad soldier and confirmed drunkard; I was often called upon to settle differences between him and his wife, who was also a drunkard. She was in great misery while he was in Bridewell, I believe living on the town; he was very diligent in getting his Bible, and seemed so horrified about his wife, that after repeated and solemn professions of reformation, I applied to his commanding officer for his release, which was granted. He was, however, brought in again, through his wife, by some drunken row in barracks. After his second release I heard no more of him; second time he seemed more penitent and touched than the first.

"This I have often found to be the case. In some instances I have not regretted their re-commitment, as it gave me a greater hold of any feelings of remorse they had; would not say that a man had been no better for his first imprisonment because he relapsed again, if while in confinement his mind had been in moral training; because although he may have made considerable progress in recovering the virtuous tone which his mind has lost, it does not follow that he has during his confinement been able to bring it up to that pitch which renders it proof against temptation. How many relapses and falls have the best of men who are seriously in earnest about reforming their conduct! But if the mind while in confinement is not under moral training, every successive crime and punishment will tend the more to harden it and render it still more imbecile.

"I have no hesitation in ascribing much of the reckless indifference of soldiers both to character and to punishment to what may be called the frittering and fretting punishments of the Army, such as heavy marching order drill, forty-eight hours' black hole, defaulters' room, a penny a day off pay, &c. If a sufficient number of regimental cells were properly constructed, and the commanding officer had it in his power to shut up a man for a week or two at a word, and that man's pay to go to a regimental *rogue-money* fund, or pay his prison rent, much more good would be done; a chaplain to visit him daily and to report.

"T. W., a poor miserable worn-out creature; told me this was owing to the punishment he had endured; had been flogged, but was no better; could not read; began to teach him, made some progress, he came to school for some time; admonished him often; still hardened; seemed imbecile through punishment and drink; at last made him shed tears; not a spark of mental vigour; was recommitted, I thought him much improved the second time. This man would have required an hour a day from me, but as it was only by favour I was admitted to Bridewell, could not see him oftener than once a week. Until military prisons are established, soldiers will never be beneficially punished.

"G. G. was first confined six weeks in total darkness for desertion; I went into him and exhorted him, but found him ignorant and unfeeling; had no light to let him read; asked light from the commanding officer, was told that he was sent there not to amuse himself, but to reflect on his past conduct. I said he had not two ideas to reflect upon, and that he would desert as soon as he came out, as his mind would be more weak and liable to temptation. This he did, was apprehended, and sentenced to sixty days' solitary to Bridewell; here he made progress in knowledge. I told him he was to be drummed out, at which he seemed very happy; admonished him very seriously on the nature of his military oath; he behaved very well till the men went to the country at an election, when he deserted. Was tried afterwards for a civil offence at Perth; flogging would have done him no good; when flogging will do a man good, another punishment will; flogging just keeps up a necessary awe upon men's minds.

"In the Army there must always be some punishment from which the mind naturally recoils the moment it thinks of it. This is rendered necessary from the peculiar duties and organization of the Army. As duty must be done on the instant of command, any disinclination to it must be checked by an instantaneous feeling of dread at the consequence. Now, the minor punishments of the Army are not calculated to excite that feeling of awe, such as drill, defaulter-room, confinement to barracks, black-hole, a penny a day off pay. These, although grumbled at for a time, have nothing formidable in prospect; but a long imprisonment and flogging have a serious aspect, and one, too, that makes the mind shrink as soon as it turns upon them.

"In the French Army, where flogging is not used, the galleys and death are what may be called their shrinking punishments; and so much the more so are they rendered than any punishment we have, that what with them would chain a soldier three years to a galley oar, would not send one of ours three months to gaol. I have compared their scale of punishments with that of ours, and must say that they are nearly tenfold more severe, fully more degrading, and less likely to reclaim the defaulters. I have known several offenders, who, I am sure, would have been shot had they been in the French service.

"I. M. L., a young fellow, was not given to drink, but was stubborn and obstinate in not doing his duty, and absenting himself; declined committing Scripture to memory for the first few visits I paid him; made considerable progress after this; feigned himself unwell; had no hope he would do well from the tenour of his obstinate conduct, and would not have been surprised if a court martial had awarded him a flogging, as he did not seem to care for confinement, indulgence, or any thing what-

ever; was often astonished at the patience of the commanding officer with him. I have seen several boys of the same disposition in the army. *Rev. Harry Stuart.*

"J. R. was a man of very callous mind; I did not think I made any impression on him; saw him on leave after regiment left; he said he was improved, thanked me for my advice; I charged him with telling a lie about his marriage; he tried to explain it away; I saw he was behaving better; he was a slovenly fellow; I would not have been surprised if he had been sentenced to the halberds, as well as several others on whom no sort of treatment seemed to have any effect.

"J. S. was another of those infatuated [mortals who, through no bad intention, was constantly giving way to excess; he had been well educated, and his friends were respectable; was most penitent when sober, but had lost all self-control; I have seen him weeping bitterly, and again and again, has he requested me not to give him up. Commanding officer got his pay reduced, and released him, but it made no difference; such a man would have required two years of a Penitentiary, instead of twenty days' Bridewell.

"A. E. was one of those many young soldiers whose education had been neglected by their parents; he was sent to a manufactory when young; could not read; began to teach him in Bridewell; he attended school when he came out, and behaved himself well after; sometimes defaulters are debarred from school, the very reverse ought to be the case; I have done good to many by getting them off from a petty offence, under a promise of attending school.

"I. C. was an obstinate, sulky fellow; saw him one day marched to the black-hole for insolence to a non-commissioned officer; followed him; was told by the guard as I passed through the guard-room to the cell, that C. was vowing revenge; I went into him; asked about his friends; talked to him about his mother, and how she would feel if she saw him. Few soldiers, I find, can stand the mention of a mother's tender care of them when young. C. began to weep; said he had always been a reckless boy; had broken his mother's heart; had neglected his education, but would follow my advice. I said if he would attend school, and promise to behave respectfully to his superiors, I would beg his release; it was granted by the commanding officer, and the young man did well. I conceive that such a youth might have been guilty of such mutinous conduct on parade or on the line of march as would have obliged his commanding officer to try him on the spot for the sake of example, and to have flogged him, although it was likely it would have done the culprit himself no good.

"A. G. was a nice lad; had been sent out with a picket, and allowed them to get drunk; was truly sorry he was sent to Bridewell; he seemed to feel the disgrace exceedingly; commanding officer soon released him. Had such a one been flogged, it would have ruined him.

"R. M. would have required twenty months to make any impression on him; was a subject that would have provoked the most humane officer; cannot say whether I did him any good further than teach him his Bible, but he seemed not at all impressed, and I had too short time of him; saw him on leave after the regiment was moved; he seemed grateful, and said he hoped the pains I had taken with him would not yet be lost

"J. C. got drunk in the canteen in the morning; had said the serjeant should never again send him to drill; was preparing to load his firelock; said had there not been a canteen he would not have been in gaol, and that he meant no harm to his serjeant; became penitent, but did seem a hardened fellow, and such a one as requires some smart punishment to hang over his head. I have had men under my charge confined for blasphemy and for threatening their own lives, and have reason to think that such admonitions as I gave them afforded the only chance of doing them good. It may be thought strange to punish a soldier for threatening his own destruction. In the first place, a soldier is not his own property altogether; and in the second place, it would be difficult often to say whether he did not intend to assail the life of an officer when his piece is found loaded with ball. Such men who have weapons of death constantly in their hands, cannot be too strictly looked after, and this constitutes one very great difference between the management necessary for soldiers and civilians.

"I. M. This man I found one day in hospital from the effects of dissipation, with a remark at his name in my report, that he was a reckless character. I began very cautiously and calmly to ask if he had a Bible, and if he read it. He said there were worse men mentioned in the Bible than he, but that the poor soldier was always held at for his faults, which the Bible excused in great men, such as David. At first I thought he was labouring under a perverted view of Scripture, but soon found from his manner that he wished to annoy me. I calmly told him that he was the first soldier that had ever offered me such improper conduct, and if repeated, I must support the respect due to my office by reporting him to his commanding officer. After this he said no more. I was much vexed a few days after to find, on being sent for by the commanding officer, that the hospital serjeant had reported him. I entreated the commanding officer to pass it over, as the nature of my duties would not admit of coercion; but he said he could not, as it had been officially reported. The man was reprimanded. I spoke often to him in hospital, still he remained sullen and hardened. Soon after he was released from hospital he committed a petty theft, was handed over to the civil magistrate, tried at the circuit, where his conduct was such at the bar as to draw forth the most indignant reproof from the judge, who seemed not to forget it even the next year. Six months' Bridewell was awarded him. For the first few weeks I made nothing of him; at last he gave way, made a most humble confession of all he had done, and begged my forgiveness for the manner he had behaved in hospital to me; said he was a steady lad when he entered the Army, but was led away by bad women and the company he met with in Edinburgh bridewell. He entreated me to visit him as often as I could, and to give him long lessons to commit to memory. He sometimes would have kept me nearly an hour repeating chapters and psalms. He stopped in his full time, requested me to visit him and admonish him after his release. It is now three months since that time, and he has remained steady. His comrades say he is a changed man. I conceive that corporal punishment would have done such a man no good.

"E. M., twelve years in the service, enlisted at seventeen without parents' consent; did not like the drill; did not dislike the barrack-room; company led him to drink; corporal punishment for abusing his captain when drunk. After punishment drill was over, the first road was to the canteen,—in solitary confinement; would feel extra guards as much as any, never got any of them. Not all the money a soldier has that keeps him in drink; would take one month solitary rather than three hundred at any time; a man in high health and spirits would rather be whipped, if not for disgraceful conduct; would feel happy if told that corporal punishment was abolished. Imprisonment hurts the health more;

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does not think he will get the better of drink, never was visited by a chaplain. This man got one thousand lashes at three times; a sulky stiff fellow.

"W. L. eighteen, years old at enlistment, enlisted without consent of parents; wished to be a soldier, did not care what regiment; led to drink by company, does not think canteens encourage drunkenness; has a Bible; pack drill, made him drink after it was over, on his savings; absent for a day or two nights; first time tried by a court-martial, got one hundred and fifty lashes, very severe, a month after was in solitary confinement twenty days, would take the twenty days' solitary confinement with bedding and victuals rather than two hundred; had a Bible, read much of it, never visited by a chaplain. Men seldom think of corporal punishment; better than four or five months in Bridewell.

"A. A., flax dresser, good education, his father a most worthy man; enlisted against his father's consent; never knew a man enlist with parent's consent; a little worse than when he enlisted; had enlisted four times before, and his father paid the smart money. Was once happy and well respected, took up with loose company, dates his ruin from his father's preventing him from going to learn dancing, and went without his knowledge, which led to idle company at night. Drilled three hours a day, hard drill tends to make men drink, many drink from vexation from punishment. Not so much given to drink after enlistment as before it. Soldiers get drink anywhere, from the inhabitants whether they know them or not; most drinking on the pay nights of the town, many men get drink from the women; likes all his officers; first punishment confined to barracks; never saved money when confined to barracks; rather spent it on victuals, &c.; many save every penny they can when confined to barracks, in order to have a spree; many stop out all night till they get sober; a man out so has seven days' knapsack drill, some fourteen days, according to their character; rather have extra guards than drill; does good to their comrades and punishes the man; men not very apt to go to the canteen when they come off guard; by first court-martial, absent two nights and two days, came in drunk but quiet; never expected to be flogged; a comrade with him, drunk; made away with a pair of shoes; had been flogged twice before, quite brisk upon it, said he would rather take two hundred than Bridewell; comrade first upon halberds; could not see him; was in great horror; did not think it deserved; this took place eighteen months after enlistment; fifteen days' solitary; would rather take solitary confinement than flogging.

"P. S., four years' service; Fifeshire weaver; seven years' school; enlisted without consent of his parents; thought drill irksome at first; was much disheartened by being in debt; would have liked to have known his sentence as soon as tried; got first a good deal of marching order drill; solitary confinement, twenty days in January, 1834, and thirty days in April; could not read his Bible much for cold; read a good deal in Edinburgh bridewell; no chaplain exhorted him privately; thinks he would have been better for it; given to drink; loses temper under drink; apt to speak insultingly; felt marching order drill more than confinement to barracks; went to get a dram with a comrade as they had some money; was not very drunk; had words with a comrade in his room; put out the candle with an intention to strike the non-commissioned officer; did strike him (this he denied when tried); says, if non-commissioned officers were not protected, they could not keep order; could not speak so freely to an officer; got two hundred and fifty lashes and lost a penny a day for two years; thinks flogging does no good, hurts the feelings; would rather have solitary confinement to avoid the disgrace; did his duty after the flogging with reluctance; never expected to be flogged till brought on parade; men may say when in prison they would rather be flogged, but does not think they speak their mind; never had a Bible.

"W. M., born in Spain, son of a soldier: was seven years at a Sunday school; a gardener; eighteen years when he enlisted; ran away from home after three years' servitude, and did not like to return, and so enlisted; did not care what regiment he joined; was sober; answered all the questions truly when attested; remained in Aberdeen six weeks after, wrought awhile at the weaving; drank much; recruits are generally employed in drinking before they join; it would be good for them to join early after enlisting; disliked drill; once intended to desert; first brought before commanding officer for knocking a man down in town; fourteen days' pack drill; disliked confinement to barracks more than drill; on getting out of barracks got drunk: men generally run to drink after being confined to barracks; three weeks after drunk and absent, seven days' pack drill; three or four times drunk and absent; does not think although men were allowed to leave barracks when under drill, that they would drink more; if a room for refreshment were allowed, it would take up their spare money; it would be better if by any means their money was kept from them; six months after he joined, was very much given to drinking; often at pack drill; eleven months after, for refusing to go to drill, was tried, got six weeks to Edinburgh bridewell tread-mill; six on it; allowed to speak, kept on it ten hours a day, one hour and a half in the morning, three hours in the forenoon, five hours and a half afternoon, fellow prisoners all soldiers. A soldier from Artillery told his commanding officer he would as soon be in Edinburgh bridewell as at his duty; soldiers formerly got great indulgences in Edinburgh bridewell; prisoners complained much of tread-mill; tread-mill severest punishment he ever got; would take three hundred lashes rather than six weeks of the treadmill, greatly weakened by it, much more than by eight months in Aberdeen bridewell; not sent to duty immediately on coming out, not for six weeks; at squad or recruit drill; taken from Edinburgh by escort; drank between Edinburgh and Greenlaw two half pints of whisky, corporal advanced the money for drink; prisoner repaid the corporal on receiving his pay. On arriving at barrack went with cook of the company to canteen, got drunk; had 1*s.* 1*d.* full pay that day as he had no messing; gave the escort corporal four pence for the share of drink by the way; would have gone to the canteen, although he had not got drunk by the way; cook got drunk; would not be so much drunkenness if there were no canteen; men when they get drunk at night, generally go to the canteen next morning for more; a drunkard never easy till he gets more drink after a debauch; when they get drunk in the morning, they run about all day trying to get it anywhere; soldiers are treated to much drink by people in town, whether the people are acquainted with them or not: people make up to speak to get stories of their regiment; bad women give them a great deal of drink; soldiers get three times more drink than they buy; a soldier will get drink whether he has money or not; blames drink and bad women for leading him from duty; was not taken to the guard room when drunk in the canteen, no notice taken of it; next Saturday absent all night; seven days confined to barracks, not able for drill; on Sunday jumped over the walls; got strong beer and whisky in barrack rooms, strong beer got for dinner, friends of comrades brought the whisky from Edinburgh, two or three quart bottles of it, such things not allowed in barrack rooms; this was not reported;

corporal in charge of the room got drunk; prisoner and corporal jumped over the walls at three o'clock P. M.; brought back by an escort at night, attempted to force the sentry. Both tried next day by regimental court martial; two hundred lashes; tried at one, punished at three. Officers of his own company on this court martial; corporal punished first; hardly sober; could not say how he felt; over in twenty minutes; first twenty-five worst; did not cry out; never said a word; did not ask the commanding officer to take him down; corporal did, without obtaining it; thought then there was no use in asking it; seven days in hospital; absent with corporal next night after getting out; got drunk; commanding officer before leaving hospital offered every indulgence if well-behaved in future; was absent to show his commanding officer he did not care; although he got drunk he came in sober; seven days pack drill; absent all night as soon as punishment was over; came in drunk; forty-eight hours' black hole. Thinks the black hole little or no punishment for a man after drink, rather a place of ease and refreshment, and had besides fourteen days' pack drill; absent immediately after with four, all drunk; brought home by picquet; fourteen days' pack drill; when drill was up, drunk; did not answer to his name at tattoo roll-call; refused to go before the officer of the day; four days' pack drill; a month in hospital, complaint in lungs; six weeks free; absent all night; four days' drill; four days more for refusing to be an orderly man; four days more for leaving defaulters' room. Thinks defaulters' room good if the non-commissioned officer does his duty. Went on detachment, drunk and absent one night; seven days pack drill. Men confined to barracks for fear they get into more crime before their punishment is over; had five different crimes at once in the guard report; got always into one crime before the punishment of another was over. Was sent on detachment duty; every second week when on duty committed additional crime; third crime on detachment was striking a corporal, got four months in Edinburgh Bridewell treadmill; disliked Bridewell much more than flogging. Before God, he says, he would take flogging rather than any confinement; fellow prisoners encouraged one another in everything bad; six soldiers on treadmill; prisoners can visit one another's cells. No rules in Edinburgh Bridewell, that the prisoners see. Thinks solitary confinement best punishment for a soldier; thinks flogging frightens those who have never experienced it; some of these it may frighten, it depends on the temper of the man. Men often hold out that they do not care for flogging when they are much afraid of it. (He illustrated this by the deportment of himself and other two in guard room before reading of sentence). Was never visited privately by any chaplain, never read his Bible; thinks he would have been better if visited by a chaplain; has a different view of crime than before; never felt any wish to reform till now; came down from Edinburgh without escort by steam boat. A few days after, comrades told him their new chaplain had got a list of the men and their characters, and that the chaplain would be upon him; was afraid of this, more so than of the commanding officer; thinks it best for a chaplain to speak to a man privately. Men much struck with the way in which the Aberdeen chaplain spoke to them; four days after arrival jumped over the walls; fourteen days pack drill, twenty-one days confined to barracks. Fifteen days clear. [*The next offence accidentally omitted in the manuscript.*] Apprehended and tried by civil power, sentenced to fifteen months here; has been five weeks in Aberdeen gaol; Aberdeen gaol a bad place for a soldier; thinks it would be better to give men more time in black hole with beds, and a small window to read to commit Scripture to memory; thinks if he had got this long punishment with sacred instruction he would have been better (I can only see the prisoners occasionally). Divine service given up in Aberdeen Bridewell; feels the want of this; thinks punishment will never reform a man unless he is made to read his Bible, and understand it; never got any injustice from any officer.

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"G. E., father and mother died when he was young; was brought up by an aunt; can read pretty well; always kept a Bible, read it occasionally, never was happy after his mother's death. Sober when enlisted, did it voluntarily, got a good deal of drink after enlistment. The recruiter spent the fifteen shillings, the bringing money. When a man is attested he gets two shillings and sixpence, gets his daily pay till passed at the district court at Edinburgh when he gets ten shillings, gets no more till they join at head quarters; was seven months under stoppages, received one penny, spent it on tobacco; got his drams from acquaintances, was drunk once before the seven months were out. Old weaver companions gave him the drink. A soldier seldom buys drink with a considerable sum of money. A man that likes drink can never get so much collected as two or three shillings. It is most likely he would go and drink it if he received so much at the end of the month; but good men would not, they would buy necessaries and assist their friends. If a man much given to drink were in the room and had the character of taking what was not his own, the whole men in the room would be afraid to leave their money in their kit; most men willing to leave it in the pay serjeant's hands till it amounts to a pound, or so, then if they had a good kit they would send it to their parents. Men that like a dram are very apt after evening parade to go to the town, when their fourpence serves to introduce them to bad company in town who give them more; has seen many a man go to town without a farthing in his pocket, and come home more drunk than those he went away with who had money; many a man tried for drunkenness has a penny a day or twopence a day taken off his pay, and yet gets more drink than before, owing to those they associate with. Men turn quite regardless when they lose their pay, and run headlong into drink out of revenge, and say they cannot be worse than they are. Men know that commanding officers do not like too many courts martial; does not think that the men take advantage of the popular feeling against flogging; thinks a man would as soon get punishment by flogging as a *while's* hard labour. When a soldier gets to Bridewell once or twice he gets quite regardless, often commits crime to get transported. A man once or twice tried seldom cares what he does, as he thinks he cannot be worse than he is. Giving a man knapsack drill does him no good at all. Generally on getting out of the dry-room and barracks gets drunk, says he knows what he is to get; men do not care much for pack drill, has had about six months altogether of pack drill; was not given to drink before enlistment; might have got drunk on a New Year's day; used to get quite sick after getting drunk. When the man spent the bringing money got so ill was obliged to be sent to hospital for seven days; it brought a flux on him not being used to drink before; he never gets sick now unless the whiskey is bad. After getting up in the morning, if he had been drinking the night before, first wish a dram, or small beer, try to borrow twopence or so if without money, and send or go to the canteen; if no canteen, leave barracks after morning parade. Men have not much pleasure drinking in a canteen; men go to town for the sake of company to drink and to keep out of the sight of officers; men generally stay out all night if confined for being the worse for liquor. When a man is seven days in the dry-room he saves up as much as gets him in again; has heard them say, 'We will get another good *spree*;' got no punishment for being drunk the first time; was brought before the commanding officer six weeks after joining for being absent a day and a night with a friend;

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thought there was no harm in it; got a terrible blackguarding from commanding officer; never liked the service so well after; likes it very well yet, but had a greater notion of it when he joined; got two months confined to barracks at recruit drill, six hours a day; liked drill very well, would not have cared so much for having been confined to barracks, had it not been in the town he was brought up in; his friends thought it had been for something worse than it was; did not get drunk till twelve months after; never was tried for being drunk; has been five years and a half in the service; men confined to barracks ready to drink when they get out; not nearly so much drunkenness when he joined as now, because the men were paid weekly. The present plan keeps a man tippling, because when he gets his pay, if he has got any drink the night before, he is not easy till he gets a dram. If he got it at the end of the week, it would only *do* him one day; and if he wanted anything for his kit, he would most likely buy it; would be a long time in saving as much as could be put into a savings' bank; an officer would not take charge of small sums; does not think there would be so much drunkenness if the men were paid weekly or monthly. Has been tried twice by regimental and once by a district court martial. Has often been drunk, staid out all night till sober. Was tried for being absent first time; got thirty days black hole, and bread and water; could see to read; had his Bible, read it a good deal; was not visited by a chaplain; never recollected a chaplain visiting prisoners; thinks he would have liked very well to have seen him; felt quite *light* when he came out; was very wearied first half the time, after that began to get regardless, did not care what became of him; had no bed, a little straw; in summer, never got a sound sleep all the time; did not eat all his allowance; was the first that was tried on the Bread and Water Act (1830). Before that the men got their messing. When men used to be in the black hole, the company gave them messing free, if he was liked in the company; the men confined treated their comrades with their savings for their kindness after they got out; he did not feel hungry when he came out; went and took a dram; two glasses made him quite drunk; went to his bed; soon after went down to town; was not altogether drunk, but was afraid to come in. Many men, although drunk, can go through their facings. Guard inspected at night, at retreat, to see if they are all sober and present; seldom knew a man get drunk when for guard. Pack drill, during commanding officer's pleasure, is a better way than a certain number of days, because, a commanding officer, if he be hasty, may order pack drill, and in a few days let off the defaulter, and restore a good feeling; has often felt grateful for this, and behaved well in consequence. When men get a certain number of days, it is marked down. Men put on a sulky resolution to take it; when confined a long time to barracks, he turned quite regardless, broke out of barracks because he thought it a shame when his acquaintances were coming up to see him, and he could not get out with them. Thought it was as well to do something and to get tried at once; got drunk, brought in at six next morning, would not tell the place where he got over the walls, because comrades would have been angry, they would have to furnish another sentry. Was not advised not to tell; all knew he would not tell; if he had told, would have been looked down upon by comrades; a company will not tell of a man that never tried to bring them into trouble. It is bad to punish an innocent man for the sake of the guilty, because he thinks he may as well do something if he is to be punished; has seen a company paraded till the absent men of it came back; company would feel angry, go away to drink, and some of them to deserve punishment. Commanding officer does not allow company punishment. Company punishment very severe; got 225 or 275 lashes, is not sure which; courts martial could give 300 then, only 200 now; did not feel much till he saw the halberds, when his heart was like to jump out of his mouth; turned quite white, never said a word, never asked forgiveness; was sentenced to 300; doctor took him down; would rather go to the black-hole for thirty days, not for longer; would feel pleased if told that flogging was abolished; rather take 200 than go for two months to Bridewell; many a man would not, it depends on the temper of the man; never felt any difference in the treatment of his comrades, as it was not for a bad crime. Would have thought telling the place where he went over the walls a great disgrace; would have been much more looked down upon, could never have forgiven himself; thought it disgraceful when his friends heard of it; was thirteen days in healing; staid absent next night after he came out of hospital; was prisoner on the march; was a good while clear till he fell into company; got drunk, but never came in drunk; pack-drill, and confined to barracks for being drunk at dinner-parade on Sunday after coming from church. Was one of a draft for head-quarters at Chatham, got drunk, made away with a shirt, and absent; tried by district court martial, got three months hard labour in Maidstone gaol, sixty-five days of it on a treadmill; it was very severe; would rather be flogged than long on tread-mill; was mostly starved to death with hunger; went on at six in the morning and came off at six; walked rather quicker than slow time; could not sleep, was so much fatigued. Went to chapel every day; heard prayers read; thought this put by the time greatly; no Bibles; wished often for one; read bits of the Prayer Book when tired of sitting. No chaplain ever spoke to him; eighteen in the same box; never allowed to speak; felt it very much; solitary in cell; never spoke but at the meal hours and on the Sabbath days; felt it a great relief; was worn out; bad for the health; it brought a cough and spit on him; never hurt his step; cell very damp and cold; a good number died out of it. Went to the service companies; did nine months duty; has never been confined nor before commanding officer since relieved from Maidstone; was brought home for epilepsy; has been six weeks in hospital; has read his Bible more since he came in than he did a good while before; men dislike the prospect of being worn out; would value a medal much (in the 5th regiment a man gets a brass medal at the end of seven years, a silver one at fourteen); came home with a man who had a medal. This man is a good-natured simple lad, but his efficiency as a soldier is gone.

"J. S., four years in the service; was a farm-servant; sober when enlisted. Recruiting serjeant advised him to give false answers to the questions; felt the drill irksome compared with the line of life he was in before; was plagued a good deal in his barrack by his comrades; men confined to barracks save money, and spend it when they get out, whereas if allowed to visit the canteen, they would spend it as soon as they got it; has been drunk without its being noticed; thinks flogging bad, because it breaks a man's constitution; flogging very painful; a quarter of an hour in getting three hundred; was two months in Bridewell, one month hard labour, and one month solitary; read much of his Bible; committed a few chapters to memory to say to the chaplain; would rather take four months imprisonment than three hundred lashes. Was flogged in 1832; was in Bridewell in 1835; this was all his severe punishment; has been at different times at marching order drill; men get hardened with it after a few days; got one hundred and fifty lashes; did not perform duty after it for a short time; thought Bridewell better for the mind, but men do not get half enough of food in Bridewell. On coming out was unfit for duty; attended drill with recruits for a short time after, but took

no guards for ten days; was allowed to eat as much as he liked, but was worse for it, and had to take a good deal of physic; has been at marching order drill since for one month; this punishment would not frighten him from getting drunk again; men seldom come home from town when drunk. Men much given to drink, who have been much punished, seldom think of the punishment they may incur; is anxious to behave well; reads his Bible once or twice a week, two chapters at a time. Forty-eight hours black hole worse than three days marching order drill; likes all the officers well; never got any punishment but what he deserved; courts martial quite fair.

"Corporal R. H. kept the defaulters' room for more than a month; defaulters orderly and quiet; a good place for some, those that are not altogether given up to drink; he prevents them from swearing; a good place for a young soldier; hardens some more when they get out, because of the fatigue duty they have to make up in the company; they then absent themselves, or do something to send them to prison to get clear; he hears them often express themselves to that effect. Company fatigues are, carrying coals, sand, waters, cleaning rooms, &c. Sometimes a released defaulter will be upon this every day for a fortnight; every fatigue that they cause another man to take, they have to replace it; a tried man has no duty to bring up; they work from one degree of crime to another till they get themselves tried by a court-martial to get clear of fatigue. Prevention from smoking a great punishment. Men feel the disgrace of drill more than the labour; often come in grumbling; feel the gaze of the people, especially their friends; has often heard them say they would rather take solitary confinement than pack drill, ten days solitary rather than twenty-one days' pack drill. Convinced if there was more flogging there would be less crime; men stand in great awe of it; flogging frightens them more than Bridewell; they are more confined in this Bridewell than they are in Edinburgh or Glasgow; if there was more flogging there would be fewer deserters. Thinks a flogging would do good in some cases [*naming two individuals on whom nothing has any effect*]. Soldiers get most of their drink from bad women. It is not possible to flog an habitual drunkard sober. Chaplain's visits generally make them serious for a while.

"W. W. enlisted 1st of August, 1832, in Edinburgh, was a baker and entered the service to get out of some little debt; was sometimes in trifling scrapes for drinking before he was flogged, which was for having feathers in his possession the property of a comrade. Was drunk when he took the feathers, and was afraid afterwards to tell that he had them; had great fear of being sentenced to corporal punishment; received one hundred and twenty-five lashes; felt it most severe at the time, and never has forgot the impression it made on him. Never was sentenced to solitary confinement with hard labour; has been only twice in the guard house since, and on one of these occasions was twenty-six hours in the lock-up room with one other prisoner, and felt that restraint very much, but soon forgot it; would rather be imprisoned again than be flogged; the stigma of the latter never leaves one's mind; he thinks the former not so liable to prevent him from committing the only crime that he is in any way given to, viz. drunkenness; reads and writes, and attended school regularly when a boy; is anxious to do so again if he had time; was never guilty of any crime either before or since.

"P. H., who had got four months in Aberdeen Bridewell, writing to a comrade soon after says, 'I am now in hospital, after three hundred, and I could take three hundred more rather than get another four months of Aberdeen Bridewell.'

"T. K. said he would rather have taken three hundred lashes than four months in Bridewell.

"D. L. said he would rather take five hundred than two months solitary. Said some flogged men behaved well after it, but they generally become more hardened; never saw a clergyman visit prisoners. Was at one time confined twenty days, and at another thirty days; read fancy books; had no Bible. Some men checked by one punishment, some brave out their punishments. Drill a very hard punishment in bad weather. Bridewell the worst punishment for soldiers; defaulter's room the best place for defaulters who are not turbulent fellows; men could not clean themselves properly for duty if they were kept altogether solitary. Extra guards greater punishment than drill.

"H. said he would take three hundred lashes rather than five months confinement.

"R. in the black cells said he would rather take two hundred than twenty days solitary.

"Serjeant M., thirty-six years in the service, and in the Fencibles when a child, thinks flogging breaks the constitution; observed men during the war from fatigue and disease, died more frequently if they had been flogged. (This might have been owing to their own dissipated habits which caused their punishment). Company punishments bad; men are more afraid of a company punishment than of a legal one; company often like a punishment to get fun."

4192. In Aberdeen Bridewell was there sufficient convenience for the proper confinement of the soldiers solitarily confined?—Yes, except with regard to their being enabled to communicate across the passage. I have a statement from the governor of the Bridewell respecting the soldiers who have been confined there; he says:

"The greater proportion of them are young men, who have not been long in the Army, and who have not been accustomed to discipline. Upon these, or at any rate upon many of them, it is believed that imprisonment had a good effect. The older portion are, it is feared, incorrigible, being confirmed drunkards, and accordingly it will be observed that some of them were three times committed during the short period the depôt was stationed in Aberdeen. The backs of these individuals show distinctly that flogging has been tried in vain. The only chance of doing good to a soldier is by solitary confinement, and religious instruction. Two months solitary are more than equal to four months with hard labour. In the former case the individual is thrown entirely upon his Bible, and his own heart to relieve the tedium of solitude, while, at the same time, by being kept on a very spare and plain, but wholesome diet, he is made to feel the difference between the comforts which he enjoyed in the barracks and the state to which he has brought himself by his own folly. In the latter case, the irksomeness of confinement is so much relieved by the mind being occupied about the work in which the prisoner is engaged that he does not feel his punishment in the way it could be wished. Many an urgent application has been made to me by soldiers in solitary confinement, to give them a little work, but no one sentenced to hard labour ever expressed a wish to be idle. In this Bridewell every prisoner is kept separate (except when the house is full), and no conversation is allowed with each other, so that a prisoner may be months in confinement without knowing who is in the adjoining cell. I would strongly recommend solitary confinement for a period not exceeding three months, as far preferable to

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hard labour for a long term. The warrants of commitment should, in addition to the copy of the sentence, contain also a copy of the charge against the prisoner, so that the chaplain may make his exhortations to bear more particularly upon the crime which the prisoner has committed. If it is a disgraceful crime, it is very rare to get the prisoner to acknowledge it, and consequently the chaplain can only address him in general terms.

" A. M. CHALMERS,

" 21*st May*, 1835. " *Governor Aberdeenshire Bridewell.*"

4193. Among the men confined in the Bridewell at Aberdeen, and who belonged to the depôt, were there many who were recruits, or were they generally old soldiers?—I think most of them were young soldiers, a very few of what may be called recruits, that is, during the first eight or ten months of their service.

4194. Have any of those recruits been corporally punished for any offence before they have been sent to the Bridewell?—No, I do not recollect anything of the kind.

4195. So that upon the young soldiers it appears to have been the custom to try the effect of confinement before recourse was had to corporal punishment?—Yes, every sort of means is taken with recruits before they have recourse to that, and this seems to be the practice of the service from all I can learn, even from the history of the men that have received corporal punishment. And I must beg leave to state, that I do not think commanding officers have it in their power to treat recruits more kindly than they do. The greatest disadvantage that recruits at present labour under is, that their bounty is not adequate to furnish their necessaries, so that they are long under stoppages, and the commanding officer is often a good deal out of pocket to send them to school. Recruits are often as bad men as they can be before they join their regiment. I had occasion to pay particular attention to the recruiting, in consequence of all the recruits of the district being ordered to be sent to me before attestation, to have the nature of the military oath explained to them. Perhaps no part of the service requires greater reformation than the present system of recruiting. I have found them frequently in Bridewell from a sentence of the civil magistrate, before they went to head quarters, which points to the propriety of having both recruiters and recruited lodged in a barrack. A great many soldiers are rendered worse than useless to the service, by being on the recruiting; and it is hardly possible to purge the Army of blackguardism while there is a constant influx of it from the recruiting. It has occurred to me, that recruiting depôts for raising and training soldiers for the Army in general, without respect to particular regiments, would be the best way of forming the young soldier. After a certain period of schooling and drill in such a depôt, let him, if a good man, have the choice of his regiment; if a bad man, let him be discharged free of expense, and let the recruiting premium be withheld till they are tried. This at present would be an improvement. Fifteen shillings is too great a temptation to enlist improper men. A recruit on leaving such a depôt could fall into the ranks with older soldiers, and be at home at once among them in his profession; and from his previous conduct at the recruiting depôt, the commanding officer would know with whom he had to deal. At present, commanding officers labour under great disadvantages in that respect, and are often blamed for harshness to a recruit, who, perhaps, has run the course of civil punishments before enlisting.

4196. Did it appear to you, from what you learned from those persons, that it was only in consequence of those punishments not having had the proper effect upon them, that the commanding officers were obliged to have recourse to corporal punishment at last?—Yes; I have often heard the men themselves say, that if the commanding officer had punished such a man more smartly at first, " it would have been better for the fellow."

4197. From the whole of your experience during the time you have been chaplain of that depôt, which punishment do you think most likely to reclaim solders, confinement with hard labour, solitary confinement, or corporal punishment?—It depends very much upon the nature of the culprit. I have found six weeks' or two months' solitary confinement under sacred instruction, so as to keep the mind in active exercise, the most successful method with men not of confirmed depravity. But as the human mind cannot well bear very long solitary confinement without impairing it, and as there is much in having length of time to break habits, six or eight months with labour I have found best for men of confirmed bad habits, especially if they were ignorant and could not read. The first month ought always to be solitary, for that reason. But I have never yet seen any proper means for punishing a soldier. I have laboured under great disadvantages in this respect. The punishment of a soldier ought to be such as both to reclaim him and to preserve his efficiency as a soldier. His hard labour should be in the open air, turning a mound of earth or a quantity of stones, or some such labour as is recommended in Sir Herbert Taylor's circular letter of 24th June 1830. My experience accords entirely with the spirit of that admirable letter, but I do not think that there are means for carrying its recommendations into proper effect. Such an establishment as that at New York I conceive to be necessary for an Army, before courts martial can award punishments so as to reclaim defaulters. I cannot say from experience that corporal punishment will reclaim a man, although it may frighten him from disobeying orders. I rather think it must injure his mind and drive him to dissipation, if care is not taken by other means on Christian principles to make him feel the justice of his punishment. And I have no hesitation in saying, that all punishment of whatever kind has little or no permanent effect, unless accompanied with a constant, earnest, but prudent enforcement of these principles upon the minds of the offenders, not only during confinement, but for a long time after, and I am convinced, until some means are established in the Army for treating its defaulters in this way, the instances of reclaimed soldiers will be very few. On these principles I have, under many disadvantages, treated defaulters for some years, and I trust that a reference to the

testimonials from my commanding officers as to the general result, may show that what I have now advanced is not without foundation.

4198. With respect to the example of corporal punishment, or the execution of the sentence of imprisonment, could you find out from your conversation with those men, which made the most impression on their minds?—Corporal punishment. I have the evidence of the whole guard, which I took down the night before I left, of the feelings of the men altogether. I am convinced that corporal punishment has had the greatest effect by way of example, and we had a proof of that this winter—when the punishment was inflicted the number of defaulters diminished very rapidly. It is painful for me to make such a statement, at utter variance with the spirit of my sacred profession; and it is this feeling that has made me do everything in my power with defaulters; but I do not see how a commanding officer, in the present low state of mental cultivation among the soldiery, could venture on the line of march unless he had the power to inflict it. Perhaps many fewer stripes might do than what are generally awarded, and all misdeeds not committed on duty, or amounting to mutinous conduct, could be otherwise punished, if a sufficient number of military prisons and cells were erected. In the course of my conversations and intercourse with the men when I have been visiting them, I have got information on some points which I conceived might be useful with reference to the subject before this Commission. They thought that extra guards, which were generally laid aside, were good punishments; but if many defaulters were sent on extra guard at the same time, they were apt to bring the guard into crime. Good men, occasionally defaulters, might be safely put on extra guard. It is a better punishment than marching order drill, because not so disgraceful. A man at marching-order drill may be submitted to the gaze of his friends, and they may think him a greater blackguard than he is; whereas being on guard is honourable. Heavy marching-order drill breaks a man's spirits, destroys his appointments and dress, injures his health by cold and wet; men often stand it only from shame rather than go to the hospital to avoid it; inflicting a few days' drill has a good effect on most. The defaulters' room is a place to make plots for more mischief. Many generally save their money when confined to the barracks, and when relieved get drunk together, as they cannot get out to spend it. A soldier disposed to drink will obtain drink if he should never get a halfpenny a-day.

4199. Did you understand in what manner?—From his comrades, through sympathy, and from the women and the people in the town. Almost every woman of the town has what she calls her *fancy* man among the soldiers, and shares with him the money she can get elsewhere. A prisoner in the guard room at the time told me he got drunk that day by letting a man try on his coat and his bonnet. They thought that there was less drunkenness when the men were paid weekly or monthly, because the men getting a considerable sum would go and purchase a useful article, whereas their daily pence only served to introduce them to the company of tipplers every day, who gave them share of their drink. Messing might be provided much cheaper; got too much at one meal, often did not consume one half. A place of refreshment for seeing their friends would be a nice thing, but would soon be abused. They thought military prisons the best for soldiers; military governors, but civilian turnkeys; military chaplains to visit prisoners; chaplains never visit prisoners. Very few heard in the church they attended; a great want of Bibles; a great pity the men do not take their Bibles to church. Of great consequence to have a good schoolmaster. Men will not be taught by one little better than themselves. Men attending school should be exempted from one parade. Never saw the depôt behave so well as when it had a library. Men behaved ill when it was broken up, because they had nothing to pass away their time with. There was not a third part of the drunkenness when a library was kept up and a reading room.

4200. Upon that occasion had you any conversation with them upon the subject of corporal punishment?—Yes.

4201. Will you refer to your minutes and state what they said?—They never knew a confirmed drunkard reformed by flogging.

4202. Did they say that they had ever known a confirmed drunkard reformed by any other description of punishment?—No; they said they could not say what has most effect in reforming drunkards; imprisonment has done good to some.

4203. Did they give you any opinion of the effect of the example of corporal punishment as compared with the effect of other punishments?—I do not think that I have noted anything upon that subject, but I recollect that I put the question to them, and they agreed that it had an effect by way of example, particularly on the recruits.

4204. From what you have seen, and the opportunities you have had since you were chaplain of the depôt at Aberdeen, does it appear to you that religious instruction is generally not sufficiently attended to in the regiments?—That is quite evident, because I never met with a soldier that told me he had ever been visited by a chaplain privately. The present system of mental improvement in the Army is so deficient that I cannot trust myself to comment upon it. A clergyman can do little good unless he be long acquainted with his people, and the system of local chaplains prevents that. Until some efficient plan of regimental chaplaincies is devised and brought into operation, I fear crime will not diminish much nor can severe punishments be dispensed with. Although the Army were at present purged of all bad characters, and none but good men admitted into it, constituted as the human mind is, the Army itself would soon furnish many more as bad, unless the passions of its members be kept constantly in check or expelled by a continued enforcement of virtuous principles. I must beg leave however to add that nowhere is a clergyman more respected than in the Army.

4205. What remuneration do you receive from the government for the duty you perform at Aberdeen?—£18. 4*s.* a year.

4206. Is that payable at the rate of each Sunday so much?—No; a certificate is signed by the commanding officer and sent up once every half year.

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4207. What duty is absolutely expected from you for which you receive that remuneration?—To read prayers once a week in the hospital, and to see that the schoolmaster is doing his duty; that is all I am absolutely required to do. When I was appointed, General Farquharson then commanding the 25th wished for some one that would take an interest in the men, and not make it a sinecure, and I had the honour of being recommended to him as such.

4208. You have since you were appointed thought it your duty as a Christian minister to visit the men at other times?—Yes, particularly each defaulter twice a week, and those in confinement; and personally to know and to exhort every soldier on duty in Aberdeen, as well as their wives and children.

4209. Have you no special allowance for visiting the sick in the hospital?—The £18. 4*s.* is a special allowance for that.

4210. Is there no allowance independently of that for reading the prayers on the Sunday?—No, the men march to church to hear sermon with the civilians.

4211. Your duty is *extra* that service?—Yes, but in bad weather, or where they are confined to barracks on account of cholera, or anything of that kind, I officiate with them at the desire of the commanding officer, but there is no allowance for it except they be confined by order of the commander-in-chief when there is an allowance of £1. 1*s.* for each service.

4212. In the depôt at Aberdeen, are there not Englishmen at times?—At times.

4213. Do they attend the kirk, or do they go to the Episcopal church?—When the 25th was at Aberdeen, a party filed off to the Episcopal church; all the rest, so far as I have known, have gone to the Presbyterian church.

4214. Still the Englishmen and the Irishmen were very glad to receive from you such religious instruction as you were enabled to give in their barracks?—Yes, always very glad, the Roman Catholics also. I went principally on the nature and obligation of their military oath. I seldom asked what profession they belonged to. Soldiers seem to care less for that than civilians. I attended a Roman Catholic lately on her death bed, and her last words to her husband, a serjeant, were to thank me for my instructions.

4215. You did not enter into disputed points?—Not at all. I conceive a system might be framed for military chaplains, without any reference to sect or party, the articles of the churches of England and Scotland being essentially the same.

4216. Does it appear to you, in general, that the soldiers are satisfied with their situation as soldiers, or that they wish for their discharge from the service?—That on which they ground the greatest complaint at present is, that there is no definite period of service. They all seem to feel that, and the reduced pensions.

4217. Do the older soldiers appear to wish for their discharge to get rid of the service?—I have heard many of them express themselves to that effect, and I know some of the best of soldiers have purchased their discharges and emigrated because of the poor prospect in the Army. I beg leave to read a note I took from the guard the evening before I left, upon that subject. Men should be enlisted for a definite period. A man twenty-one years wearing the kilt in all climates, is very unfit for duty. A man should get his free discharge after ten years. An old serjeant said he could mount guard here, but could hardly march eighteen miles. He had been twenty-five years in the service. Old men should not be in the service; they hinder the proper exercise of the young men. They would like medals for good service, and for length of service; good-conduct medals, and service medals; ten years' service without being tried by a court martial, or on recommendation of the commanding officer and the three oldest officers of the regiment, with a good-conduct medal, and a penny a-day additional, instead of twopence a-day at the end of fourteen years, as they have now, without reference to character; and at the end of twenty years a medal of a different description, with an additional penny; foreign service to count double. This medal to be given to any young soldiers who had served in five general campaigns, with an additional penny a day. Such rewards I find would be very acceptable to the soldiers who are not non-commissioned officers. These are beginning look for higher things.

4218. They appeared to think that some reward of this sort would be satisfactory?—Yes, I put the question as to that, and they thought it would have the best effect on the men, as a medal could be shown to their friends. A man's character is generally formed by the time he has been ten years in the service; but in case of his being guilty of anything so as to bring him to court martial, his medal might be taken from him. They seemed also to be desirous of saving a little money by the time of discharge, as at present a man seldom had so much as would buy a suit of plain decent clothes, or set him up in any way to make his bread.

4219. Had you any conversation with them upon the subject of corporal punishments?—Did there appear to be a feeling excited among them in consequence of all that has passed in Parliament, and been stated in the public papers upon that subject?—The non-commissioned officers think there is a sort of feeling of that kind abroad among the men, that they have not so much dread of corporal punishment as they had before; and I fear such agitation will do harm to the discipline and comfort of the Army. Did the public know how commanding officers are teazed and tormented by a set of men on whom neither kindness nor threatening has any effect, and did they know how commanding officers are looked after themselves, and how little power in the way of punishing they really have, it would be equally urgent that proper means, both mental and physical, should be provided before any act of the legislature annul those they already have; and I am sure, from the feelings of the men on the subject, that the very defaulters themselves would like this. Although each man is glad to get off when it comes to his turn to suffer, yet they in general acknowledge the necessity of keeping up a high tone of authority and discipline in the service. I had a proof of this in Aberdeen last winter, after the punishment of a soldier, and the outcry a newspaper made against it, the

very punished man before I left, acknowledged the justice of all he got, and the injury such clamour did to the men themselves. *Rev. Harry Stuart.*

4220. Did the men appear to you to be generally satisfied that their offences were judged of and treated with justice and equity?—I never heard a single complaint to the contrary, as to the sentence of a court martial. I have on my minutes, "Courts martial very just and fair." I never heard a single complaint from any prisoner of a court martial.

4221. Did you ever hear any of them suggest that it might be better if some of their own rank were put on courts martial?—I have heard them complain of non-commissioned officers misreporting them, and of the strictness of the service compared with civil life, but never of courts martial. And with respect to admitting men of their own rank as members of the court, they seemed to think it would be better not; they seemed to have more confidence in their officers. Non-commissioned officers, they said, raised to commissions, generally are the most tyrannical and ill to please; the real gentleman is the best officer.

4222. Has it occurred to you that some better regulations might be adopted for the prevention of drunkenness in the Army?—It has occurred to me often that abolishing the canteen might be an improvement, but there are many objections to that; the men might drink more in the town. It is difficult to give a short and specific answer to this question. As drunkenness is the vice of the nation as well as of the Army, so it is the parent of almost all crime among the soldiery. I have turned my mind intensely to the most minute thing that I thought could affect this vice, and have found that a great many circumstances connected with the soldier affect it more or less, not any one of which, even the most important, although attended to, might do much to rectify the evil in question, because a soldier, if hemmed in on one side, will go out at another for drink. Two years ago, I expressed to the Secretary at War my sentiments on the subject at considerable length, touching on those things which I presume have a tendency to prevent as well as to cure drunkenness. The negative causes of drunkenness and crime I conceive to be:—

1st. Want of proper means for religious and moral instruction, such as efficient regimental chaplains, schoolmasters, and libraries.

2d. Want of agreeable employment when off duty, such as gymnastic exercises and sports, with prizes, &c.

3d. Want of some means to teach them frugal habits, such as Government Savings' Banks, &c. If a provident and saving spirit once took root in the Army, it would be more lasting than any other means to prevent dissipation, as it grows the more one gathers.

4th. Want of stimulating rewards, such as medals, legions of honour, and some certain way of holding forth promotion to non-commissioned officers, and of training them for that prospect. At present they are very unfit for it, although there is a feeling among them that there should be such a prospect, not that they think they would be the best officers, or that the men would like them so well as gentlemen, but there seems a hankering after some such thing owing perhaps to the spirit of the times. I cannot say if such a plan is practicable, further than reserving for them the quartermastership.

5th. Want of proper means for carrying on the discipline with the best effect. Men can calculate pretty well their distance from a court martial and the accommodation for them in the cells.

The positive causes of drunkenness are chiefly:—

1st. The recruiting, as at present practised.

2d. Bad company among civilians, courted from idleness.

3d. Fretted feelings, arising from change of standing orders and mode of treatment, indefinite period of service, loss of pension, debt at the commencement, diffidence and treatment for awkwardness from old soldiers, unnecessary fatigues for officers, duty, however slight, when not fairly the turn, such as making a company furnish the whole picquet when it wants a man or two at tattoo, &c.

4th. Loose money in their pockets, never amounting to so much as to buy anything useful or worth while to save.

These, and many other trifling things too numerous to mention, but worthy to be attended to, ought to enter into any improved regulations for preventing drunkenness. The very messing and time of messing ought to be attended to; but I conceive the principal plan of prevention to be to raise the moral feelings of the men on sound religious principles.

4223. What are the abuses which you think especially arise from the presence of the canteen in quarters?—They are apt to smuggle spirits out of it into the quarters, and it is of too easy access.

[*The witness withdrew.*]

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*Friday, 12th June*, 1835.

The Right Hon. Lord WHARNCLIFFE in the Chair.

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Lieutenant-Colonel *James Alexander Lord Loughborough* was examined as follows:

4224. You command the 9th Lancers?—I do.

4225. How long have you been in command of that regiment?—I assumed the command on the 10th April, 1828. *Lt.-Col. Jas. Alex. Ld. Loughborough.*

*Lt.-Col. Jas. Alex. Ld. Loughborough.*

4226. How long had you been in the service previously to that?—Since the year 1819.

4227. Was that the first regiment you commanded?—Yes, it is the only regiment I ever joined.

4228. You served from cornet up to the rank of lieutenant-colonel?—With the exception of the rank of lieutenant.

4229. Where have you been quartered with your regiment?—In England, Ireland, and Scotland.

4230. Have you ever been upon the continent or in the colonies?—No.

4231. Whereabouts is it quartered now?—At Coventry and Northampton, half at one place, and half at the other.

4232. Since you have been in the regiment has the number of corporal punishments decreased?—Very much indeed; I should say lately altogether. I have not had a corporal punishment since the 28th March, 1833.

4233. Previously to that what was the average of corporal punishments?—I have here a summary of the courts martial in each year, and the sentences from 1st January, 1828, to the 5th June, 1835, which I will lay before the Commissioners.

[*The same was delivered in and read as follows:*]

NINTH, OR QUEEN'S ROYAL LANCERS.

*Summary of Courts Martial, Sentences, &c., from 1st January, 1828, to 5th June, 1835.*

| YEARS. | Tried by | | | | Total Number of Courts Martial. | Sentenced to | | | Acquitted. | Reduced. |
|---|---|---|---|---|---|---|---|---|---|---|
| | General. | General Regimental. | District. | Regimental. | | Corporal Punishment. | Imprisonment. | Transportation. | | |
| 1828 . | .. | 5 | .. | 11 | 16 | 10 | 4 | 2 | .. | .. |
| 1829 . | .. | .. | 5 | 10 | 15 | 10 | 4 | .. | .. | 1 |
| 1830 . | .. | .. | 5 | 5 | 10 | 6 | 2 | .. | 1 | 1 |
| 1831 . | 1 | .. | 8 | 4 | 13 | 5 | 8 | .. | .. | .. |
| 1832 . | 1 | .. | 13 | 7 | 21 | 6 | 10 | .. | .. | 5 |
| 1833 . | .. | .. | 2 | 2 | 4 | 2 | 1 | .. | .. | 1 |
| 1834 . | .. | .. | 4 | 2 | 6 | .. | 2 | .. | 2 | 2 |
| 1835 to June | .. | .. | 2 | .. | 2 | .. | 2 | .. | .. | .. |
| | 2 | 5 | 39 | 41 | 87 | 39 | 33 | 2 | 3 | 10 |

4234. It appears from that summary that the number of courts martial has decreased quite as much as the number of corporal punishments?—Yes; in the year 1832 we were quartered partly at Hounslow and partly at Dublin. In 1833 we went down to Longford, and we were quartered at Longford, and subsequently at Newbridge. At that time I went without a single court martial from the 2d May, 1833, to the 19th May, 1834.

4235. Has the strength of the regiment been the same throughout that period?—It has averaged three hundred and twenty-four annually during the whole period.

4236. While the number of courts martial and of corporal punishments has decreased, has the number of defaulters decreased?—Very considerably. In 1828 the defaulters' book was kept in a different form, then I had eighty-two defaulters; in 1829, seventy-eight; in 1830, seventy-three; in 1831, ninety-four; in 1832, one hundred and thirty-one; in 1833, one hundred and twenty-one; in 1834, seventy-seven; and in 1835, up to this period, we have had twenty-one.

4237. So that in 1832 and 1833 you had more defaulters than you ever had before?—Yes, it is usually the case in that neighbourhood. We were in the royal barracks in Dublin, which is an exceedingly bad neighbourhood.

4238. Is that the same year in which you had twenty-one courts martial?—Yes.

4239. What were the offences for which these men were corporally punished in 1832?—They were chiefly drunkenness and absence without leave.

4240. Where were you quartered during 1834?—In the year 1834 I was quartered at Longford, and part at Newbridge.

4241. Do you attribute the increase of defaulters and of courts martial in the year 1832 to the places where you were quartered, or to any other circumstance?—I should say more to the temptations of the quarters than to any other circumstance.

4242. If your regiment continued to be quartered in such places as Longford, for instance, are you of opinion that you could do entirely without corporal punishment?—I think I could go on with the men that I have now for a long time without corporal punishment; but I am not of opinion that we could go on without the power of inflicting corporal punishment in the event of any great relaxation of good conduct upon the part of the men.

4243. So that you would not be answerable for the discipline of the regiment if an order was to come from the Horse Guards to-morrow, that in no case corporal punishment should be inflicted?—I should be obliged to be answerable for it; but I should be sorry to receive such an order. I should mention, that when we were quartered at Hounslow, I was very lucky in getting rid of two or three very bad men. I have a return here which shows that twenty-one of the courts martial have been held upon ten men since 1828. One man was tried twice, and he was transported, and there was another who had been tried three times. He committed a robbery at Hampton Court, and I was so anxious to get rid of him that I employed Mr.

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Harmer to prosecute him, and he was transported for seven years. There were two or three other bad men; one of them was discharged by authority of the Horse Guards, and one or two others I have got rid of in different ways, and there has been a decided improvement in the conduct of the men since I got rid of these men. My recruits are of a better description of men than the old men were.

4244. What do you mean by a better description of men?—I formerly recruited a great deal in Ireland, and my recruiting parties were not so particular as we were at the head quarters. When we were quartered near London, we recruited a great many respectable men that came from the Blues and the Life Guards, because they were too short for them. I had a great many gentlemen's servants, who came up to London out of place, and finding that they could not get a place they came to me, and I enlisted them if I thought them good men. I was generally able to form a judgment of their character by their countenance and their manner.

4245. In what rank of life had those men, who came to you from the Life Guards and the Blues, been before they entered into the Blues and the Life Guards?—Some were reduced farmers. I got some good young men who were clerks out of place. I had one man from the Blues whose father's servant brought him up from Scotland to enlist him in the Blues, and he was too short for them, and he came to me.

4246. Were the gentlemen's servants you enlisted generally persons of a low condition of life originally?—I suppose so.

4247. What description of recruits do you think the best and the readiest brought into discipline?—I should say that a recruit of the better rank, such as a clerk out of place, is generally a more respectably mannered man, and less likely to get into low society, provided he has not been dissipated. They are soonest brought into discipline, but they take the longest time to become good grooms for their horses. An agricultural labourer is very good if he has been something better than a mere ploughman, but a man from behind the plough requires a long time to get him neat, and to take a pride in his appearance.

4248. What are the punishments that you think have had most effect when inflicted by your own authority?—I think what we call confinement in the defaulters' room, which is limited to seven days, is the best punishment we have, because it separates the men entirely from their comrades; it does not throw the labour of attending to their duty upon their comrades, and it employs every hour of their time.

4249. Have you recourse to what is called the pack drill?—When they are in the defaulters' room, during a portion of the day they parade with a valise, in which they carry their necessaries on their shoulders. I have a statement of the distribution of the entire time of the man while he is in the defaulters' room.

[*The same was delivered in, and read as follows:*]

*Distribution of time, or scale of employment, for a man ordered to the Defaulters' Room with drill, which in no case exceeds seven days; agreeably to the Circular Memorandum, dated Horse Guards, 24th June,* 1830.

On the trumpet sounding for morning's stables, the non-commissioned officer of the guard takes the defaulter to his troop stables and gives him over in charge to the orderly serjeant of his troop, who takes him back to the defaulters' room on the dismiss from stables, and gives him up to the non-commissioned officer of the guard.

At nine o'clock, A. M., he parades in his stable dress, with belts and arms complete, and his valise regularly packed and placed on his shoulders, and marches about under the direction of the non-commissioned officer of the guard, until eleven o'clock; he is then placed in the defaulters' room until the trumpet sounds at half-past eleven for stables, he is then conducted to the stables, and returns as before stated to the defaulters' room, where he remains until three o'clock, P. M., at which time he parades in full dress, with belts and arms complete with the guard, and marches about as before, or attends drill until five o'clock; he is then taken to the defaulters' room, and remains till a quarter before seven, or evening stable hour, when he is again taken to the stables and brought back as before, and remains in the defaulters' room for the night.

All his meals are brought from the mess to which he belongs to the defaulters' room at the usual hours.

4250. When men have been sentenced to confinement they have been sent to the county gaol?—Yes, generally, or to the military prison, Dublin.

4251. Have you found that answer?—It answers very ill in our service, because I think there is a strong feeling in the men, that a man who is sent to gaol punishes in fact the other men who conduct themselves well. In the cavalry, by taking a man away from his stable, and away from his duty, it throws an extra horse as a fatigue horse upon the good men of the troop, and I think also that from the very fact that the man is out of sight and therefore out of mind, it has very little effect as an example to other men.

4252. Do you think that corporal punishment has much effect as an example?—Yes, it has a very great effect, particularly upon the young men; I have seen them so much affected that they could not stand at all, I have seen them ready to faint.

4253. Do you attribute that to a sensation of disgust at the sight, or to a feeling of terror?—I think it is terror.

4254. When your men have been confined in the county prisons, have they generally been confined with hard labour or solitarily?—I cannot charge my memory with the number that have been sentenced to hard labour, or the number that have been sentenced to solitary confinement, but I have seen both tried.

4255. Which do you think the most effectual?—I think solitary confinement, because at hard labour they get with other people, and they get opportunities of talking.

4256. Is there any difference in the manner of executing solitary confinement in the dif-

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ferent gaols to which your men have been sent?—I have never visited the different gaols to which they have been sent.

4257. In the case of a soldier of your regiment being punished for a merely military crime, do you apprehend the other men look upon him with contempt and shun his company?—I have known instances of it, and particularly lately. I think in my regiment just now they take a great pride in their good conduct, and I know when more than a year had passed without a court martial, the troop in which the first court martial took place, applied to me through their captain to overlook it, and not to disgrace that particular troop, in order that it should not be the first troop that should break the ice in having a court martial. I also know an instance in which it was necessary to bring a man in from a troop that was stationed at out quarters to head quarters, in consequence of the man having got drunk, and the troop to which that man was attached at head quarters all cut him, and would not speak to him.

4258. During this period have you had a considerable decrease in the instances of drunkenness in the regiment?—A great decrease.

4259. Do you think that following your present course of discipline, you could pretty nearly get rid of that offence in the regiment?—I do not think we shall get rid of it altogether, but they would get drunk as gentlemen do accidentally; then however they would take care not to expose themselves in the streets, or not to be seen drunk.

4260. Supposing you had not had the power of punishing them corporally during this time, do you think you could have brought your regiment to its present state of discipline?—I should have found it much more difficult.

4261. If you had not had the power of inflicting corporal punishment, or if courts martial were deprived of that power, is it your opinion that you could have brought the regiment which you command into the state of discipline in which it is now?—I do not think I could in the first years that I had the command. I think that after I had got rid of a great number of blackguards, I could have managed the others, if greater facility had been given to me in getting rid of some of them; if I could have said, "here is a man that I cannot manage, let him be discharged as a disgrace to the regiment," I think I could have gone on very well.

4262. Supposing you had had the power of discharging them in that way, do you apprehend that it might have induced any others to misconduct themselves with the object of being discharged?—That is what I am afraid of, if it were carried to any great extent. And I am satisfied if that power was too generally extended, or was exercised in a regiment where the greatest possible *esprit de corps* did not exist, there are many men who would conduct themselves ill to obtain it.

4263. Do you think your men in general are desirous of obtaining their discharge?—I think not. Sometimes we meet a man whose family are anxious for it, and they will pay £30 for it, and sometimes when the old soldiers begin to find that they cannot do their work as well and as smartly as the younger men. According to our system, my orderly is always the cleanest man upon the guard parade, and when the old soldiers find themselves disappointed in not getting the lot, they say, "I am getting too old for this, I should like to take my discharge now, I cannot do so well as I used to do."

4264. Is not the time of a dragoon pretty fully occupied?—Very much occupied.

4265. Considerably more occupied than that of an infantry soldier?—Yes.

4266. With respect to the evenings; what time is the stable in the evening?—A quarter before seven both in the summer and in winter.

4267. How long does it last?—They will not get away from the stable till about half-past eight.

4268. So that the infantry soldiers have more opportunity of getting drunk than the cavalry soldiers?—Yes, a cavalry soldier is three times at the stable every day.

4269. And of course when they have anything to do, such as reviews and drills, their labour is much more severe?—Of course, and they are much more seen by their officers; an orderly officer of the regiment attends every stable meeting but at the mid-day stables; the troop officers are constantly in and out of the stables, and therefore they get a habit of knowing the characters and dispositions of the men, and, of course, through them, I have the same knowledge, as well as from my own observation, and therefore we can inflict punishment with reference to their characters and their dispositions much more than in the infantry. If I am with the regiment, I am constantly amongst the men when they are with their horses.

4270. Do you attribute the power you have had of bringing your regiment to its present state of discipline very much to the constant employment of the men, keeping them out of habits of drunkenness and dissipation?—Very much, and very much also to the power I had of acquiring a general knowledge of their characters and dispositions, and I have endeavoured, so far as I could, to give punishment with reference to the man's character.

4271. Have you many married men in your regiment?—A good many; I have about forty women altogether.

4272. Do you find those men better behaved than the other men or otherwise?—They are, generally speaking, less wild, and I have several instances in which men who have previously been wild, have become steady after being married.

4273. After their stable, which you say lasts till half-past eight, how much time have they between that and the watch setting?—From half an hour to three quarters of an hour. The watch sets at nine o'clock, and we give them a quarter of an hour to come in.

4274. That is the only time during which they can get liquor?—Unless in the middle of the day; but the fact is that if they wanted to get drunk, they have plenty of time; because, particularly in Ireland, it is with spirits they chiefly get drunk.

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4275. Have any of the non-commissioned officers of your regiment got commissions during the time you have commanded the regiment?—Previously to my assuming the command, the adjutant got a commission; he rose from the ranks of the regiment, and the quartermaster rose from the ranks, and previously to that the riding master had risen from the ranks, and the quartermaster preceding also.

4276. Were those men married?—The present quartermaster was married.

4277. Do you remember the adjutant messing with the other officers of the regiment as a single man?—No, he was married when he was promoted.

4278. Do you remember any of those persons whom you state to have been raised from the ranks messing with the regiment before they were married?—No, I do not; but if any one is promoted in that way the first thing I do is to invite him as a friend to dine at the mess.

4279. Do they live comfortably in society with the others?—Yes, there is no difference in fact. The serjeant-majors are so much in the habits of intercourse upon matters of duty with the officers of their troops that they generally acquire a good manner.

4280. Supposing a non-commissioned officer of the regiment to be raised from the ranks to a commission, do you think he would feel himself at ease in the society of the other officers, and that the other officers would feel at ease with him?—Perfectly so, after a few days.

4281. It costs a considerable sum to equip an officer?—A good deal, with horses altogether.

4282. How were these officers enabled to be at the expense of that equipment?—I fancy that they both had some money: the adjutant had saved a little money as a serjeant-major, and he got some money with his wife; his brother is a very respectable yeoman in the county of Carlow.

4283. Supposing that a certain number of subaltern commissions was reserved for the non-commissioned officers, and given to them regularly, do you think that would have a considerable effect in leading to their conduct being good in the regiment?—I apprehend that it is practically so in almost every cavalry regiment in the service. You will find that in almost all the cavalry regiments the adjutant and the riding master, and very often the quartermaster, have risen from the ranks.

4284. Do you think that the system of giving commissions to non-commissioned officers is carried as far as it can be carried, or that it might be extended?—It is a difficult question. The objection I should have to it, as long as the present system continues, is the stop it would put to promotion when they arrived at the head of their respective ranks, because they could not save from their pay sufficient to purchase; and when they become the seniors of their ranks they must either wait till there is a vacancy by death, or they must purchase; if they have not the money to purchase, then the next for purchase goes over their heads; and I think it would be a galling thing to see junior officers going constantly over their heads in that way. I think a man raised from the ranks generally makes a smarter adjutant, because he is more acquainted with all the details of the duties of the men.

4285. Supposing that system to be established, do you think the non-commissioned officers in general would have the means of fitting themselves out in the first instance?—I doubt it very much, and I think it is possible that it might give encouragement to non-commissioned officers to endeavour to make a little more money, because it would fall upon the serjeant-majors to be promoted, and it might hold out an inducement to them to make money in indirect ways. They have, under the captain, the supply of the necessaries for the men, and it might open a door to temptation.

4286. Then, upon the whole, do you think a regulation of that sort would be advisable or otherwise?—I think, upon the whole, if promotion of that sort could be accompanied with the means of supporting their rank, it would be a great advantage in giving excitement to the non-commissioned officers.

4287. Are you aware that in the French service there is such a regulation?—Yes.

4288. Have you ever established anything like distinctions for men who have conducted themselves well, either by difference in dress or indulgences of any sort?—No distinction of dress, but a good man has always a claim to any indulgence that we can give him. He has the best horse, and he has leave whenever he wants it, and he is always pointed out as an example.

4289. Did you ever consider how far it might be desirable to have an order of merit in the Army, descending to the lowest ranks, that should be given for good conduct after a certain number of years' service, and that distinction to be a medal, or some mark upon their dress?—I think it would have a very good effect. I know that in two instances where we discharged serjeant-majors I got them situations; the officers made subscriptions for each of them. The first man, who was appointed to the Oxfordshire Yeomanry, got a medal, and I got the appointment of clerk to the town major of Dublin for the other serjeant-major, and he was discharged with a handsome subscription by the officers, and it was proposed not to give him a medal, but he said he would rather have a medal than the money, and the consequence was that a small sum of money was laid out in a medal.

4290. You think that a medal or some distinction in dress would have a considerable effect in exciting them to good behaviour?—I think it would.

4291. Supposing there was such a thing established, do you conceive that depriving a man of that distinction at the head of his regiment would act as a punishment to him in a considerable degree?—I think it would where there was a proper and right feeling in the regiment.

4292. Have you had any means of ascertaining whether there is any feeling in your regiment upon the subject of the abolition of corporal punishment?—As far as I have ascertained it from my regimental serjeant-major, and the non-commissioned officers and some of the old

*Lt.-Col. Jas. Alex. Ld. Loughborough.*

soldiers, they are all against the abolition, because they all say, "A blackguard deserves it, and it never can affect us as long we conduct ourselves well." There is one thing I wish to mention. I have had six men who have suffered corporal punishment at different times,—one as many as four times,—who have been promoted. I have one man now who has been a corporal; he is in very bad health, he was flogged three times, and he was one of the best corporals till he was incapacitated by bad health. There is another man who was flogged once who was afterwards made a corporal and discharged. Another who was flogged twice, and then made a corporal. There was another very extraordinary instance of a man who was made a corporal, who had been flogged four times; that man was originally a mountebank; he is now dead. There was another man who was made a serjeant who was flogged once; he was subsequently reduced for allowing a prisoner to escape; and I have now a non-commissioned officer who was flogged once also.

4293. So that those instances satisfy you that the infliction of corporal punishment does not degrade the persons that undergo it?—I do not think it breaks the spirit of a man. I conceive there are many characters in the Army whose pleasures are entirely sensual, and it is the only punishment that would have any effect upon them and check them.

4294. Do you think that the discipline of a regiment would be better preserved, if the commanding officer had more authority to punish small offences, without bringing them forward to a court martial at all?—Most decidedly. I think it would be the greatest possible benefit to the service, if we had a power of inflicting some arbitrary imprisonment, or some arbitrary punishment not extending to corporal punishment.

4295. In cases of drunkenness, do you think a fine imposed by the commanding officer would have a good effect?—I think it would be a good thing, in cases of habitual drunkenness, if the commanding officer could deprive the man of one penny per day, as the court martial can do now.

4296. Your lordship is of opinion that the power would be of more advantage to a man, if exercised by the commanding officer, than by the court martial?—Yes.

4297. You think that the powers of the commanding officer are too much restricted, under the circular letter of the 24th June 1830?—I think so. There are many instances of young men who are beginning to go astray, in which I should like to put them in the defaulters' room.

4298. You would be able to adapt the degree of punishment better to the known character of the individual?—Yes; and I think it right to state that I attribute the decrease of punishment in my regiment very much to the measures of prevention I have taken. I never permit any man to be absent from stable, or from watch setting, or from any duty, without immediately sending to look for him; the moment a man is reported to be absent, I send a non-commissioned officer to hunt for him, and there is nothing such a man dislikes so much; the non-commissioned officer carries a pair of hand-cuffs with him, and he makes the picquet put the hand-cuffs on him: and I also make one man in a great measure responsible for his comrade; in the event of two men being out, and one of them getting drunk, I make the other man bring his comrade home, and if he is employed in bringing his friend home, I do not punish him; but if he leaves him, and he gets into an affray, then I punish the other man for having left his comrade, so that I make one man responsible for the other. I may mention also, as one of the causes which have contributed to reduce the amount of punishment, that at the same time that the defaulters' book was established, a good-conduct book was also established, in which those men were entered who went five years without being subjected to any punishment for any offence. In the year 1831 there were 152 entered, in 1832 there were 130, in 1833 there were 106, and in 1834 there were 102.

[*The witness withdrew.*]

Lieutenant-Colonel *George Leigh Goldie* was examined as follows:

*Lieut.-Colonel Geo. Leigh Goldie.*

4299. Do you command the 35th regiment?—I do not now; I have changed to the 11th foot, about a fortnight ago.

4300. During the time you have commanded the 35th, where has it been quartered?—First of all in the northern district at Blackburn the head quarters, but extending over about one hundred and twenty miles, and, since that, we went first to Dublin, where we were together for six months, and then to Templemore, where we were together a considerable part of the time.

4301. How long is it since you took the command of the regiment?—On the 28th February 1834.

4302. Had you previously commanded any other regiment?—I had the honour of commanding the 87th regiment for nearly three years.

4303. How long altogether have you been in the service?—Nearly thirty-two years.

4304. When you joined the 35th regiment, you say it had been dispersed considerably?—Very much.

4305. In what state of discipline did you find it?—In the worst that it is possible to conceive.

4306. Was there a prevalence of any particular offence in it?—Insubordination to a very great extent, knocking down non-commissioned officers, insolence to officers, and theft.

4307. How long had that regiment been quartered in the northern district when you took the command of it?—I think about twenty months.

4308. During those twenty months had a great number of the men suffered under sentences of different descriptions?—A great many; I think for about the four months previous to my joining, and about two months after, one hundred and fifty men were tried by courts martial.

*Lieut.-Colonel Geo. Leigh Goldie.*

4309. The strength of the regiment being how many?—They were gradually reducing from seven hundred and forty rank and file to about seven hundred.

4310. During this period they were in temporary barracks in the manufacturing towns?—Chiefly.

4311. What punishments had those persons been generally sentenced to?—The punishments that had been inflicted were all confinement. They had been sentenced to corporal punishment, but never inflicted I have understood.

4312. Have you ever heard the reason of those corporal punishments not being inflicted?—As far as my information goes, the officer commanding the district disapproved of the corporal punishment, and he pardoned, I believe, if the court martial persisted in it.

4313. Did he pardon them outright, or were the offences commuted?—He pardoned them outright; I cannot positively speak to any but one case.

4314. And the former commanding officer had the same feeling with respect to corporal punishments?—Yes, I have reason to think so.

4315. Before he remitted the corporal punishment, did he refer the sentence again to the court martial that had passed it?—He did in that particular instance; he revised the proceedings, and when they continued in the former opinion he then pardoned the soldier.

4316. How long after you joined the regiment in the northern district was it removed from that district?—I think two months and two or three days.

4317. During the time that you remained were there any offences committed in the regiment for which you brought the men to a court martial?—Many.

4318. What were the sentences passed upon those men?—In some instances transportation for seven or fourteen years, or for life, as well as confinement, both solitary and with hard labour.

4319. But in no case with corporal punishment?—In no case corporal punishment.

4320. Upon your removal where did you go to?—To Dublin.

4321. Had you occasion soon after you arrived in Dublin to bring any of your men to courts martial?—I had.

4322. What sentences were then passed?—Almost immediately after I went to Dublin, there was one man of exceedingly bad character, who had been brought many times to trial by court martial, and sentenced to corporal punishment, and Sir Edward Blakeney confirmed it, and he received it.

4323. What effect had the infliction of that punishment upon the discipline of the regiment?—I think the most advantageous. I think that it appeared before an hour had elapsed.

4324. In what way did it show itself?—The men were more circumspect in their conduct, and more obedient to orders, and better inclined to submit to proper discipline.

4325. Since that time have there been other instances of corporal punishment?—There have.

4326. Frequently?—Not very; but occasionally in the district to which I have latterly removed, there have been as many as five or six.

4327. Have you now got that regiment into a better state of discipline than it was when you first took the command of it?—Sir James Douglas states in an official letter, which is now before Lord Hill, that he now considers it not only to be in a good state of discipline, but in a state of high perfection. Such are his words.

4328. Do you attribute the superior state of discipline in which the regiment is now to the infliction of those corporal punishments, and the men being aware that such punishments would be inflicted in case of their misconduct?—Very considerably. I must say, at the same time, great good had accrued from my establishing a system and scale of punishment very much similar to what the 3d Guards pursue; and I worked upon that entirely, and made every officer under my charge do the same thing.

4329. Supposing you had not had the power of inflicting corporal punishment, or supposing the court martial had not the power of awarding corporal punishment, are you of opinion that you could have brought your regiment into the state of discipline in which it is now?—I think it assisted me very much; but I think it is possible, that with a regiment at home, by a long continued good system, you might manage without much corporal punishment; but I do not think that without the dread of it, the soldier can be governed.

4330. You mean to say that you would inflict it as seldom as possible, but you would retain the power?—Most certainly. I had no corporal punishment by sentence of a regimental court martial whilst I commanded the 35th regiment.

4331. With respect to the sentences of imprisonment, were they generally with hard labour, or solitary confinement?—I think chiefly solitary, and particularly latterly.

4332. Have you any instances of imprisonment with hard labour?—Yes.

4333. Which of those punishments do you think most effectual?—I think solitary; but it should be *really* solitary, not such as we have in general in barracks.

4334. Would you have it in the barracks, or in the county prison?—I think it is better in the barracks, because the soldiers see it going on.

4335. Therefore, you think, taking a man away to a county prison, destroys, in a great measure, the effect of the example?—I am certain of it; and, if he is at all a good man, he rather falls back than otherwise.

4336. Comparing the effect of those punishments, in the way of example, with the effect of corporal punishment, which do you think the most effectual?—I consider corporal punishment, most certainly.

4337. In respect to the man himself, are you of opinion that corporal punishment degrades him either in his own eyes, or in the eyes of his companions?—Probably among old soldiers they do not think a great deal about it, but among the young soldiers it is thought of a great deal more.

*Lieut.-Colonel Geo. Leigh Goldie.*

4338. Does that feeling induce them to avoid the offence for which it would be inflicted?—I should say so certainly.

4339. Supposing a system established in Great Britain and Ireland of military prisons, entirely under military superintendence, with the complete means of executing a sentence of hard labour or of really solitary confinement, are you of opinion that, with the assistance of those prisons, corporal punishment might be abolished within these islands?—I think that description of solitary confinement with labour under a certain system, which I saw working in Dublin exceedingly well, would be most beneficial; but I should say that without the actual knowledge that corporal punishment could be had recourse to, it would not be sufficient.

4340. From your experience of the 35th, and your knowledge of the state which it was in during the time that it was attempted to manage the regiment without corporal punishment, are you of opinion that an attempt to do away with corporal punishment might, in the present state of the Army, be very dangerous to its discipline?—I do think so.

4341. Do you know of any other regiment that was in that district at the same time with the 35th?—The 18th was near.

4342. Was that regiment also in a state of lax discipline at that time?—I cannot speak to this point. I do not know.

4343. Do not you think that the removal of the regiment from the northern district, dispersed as they were in temporary barracks to a situation where they were all collected together, tended very much to improve the discipline?—Very much: for instance, they had no serjeant's mess, and they had not that assistance to discipline which that supports so much.

4344. Do not you think the dispersed nature of the quarters, and the society which they mixed with in the northern district, tended to relax the discipline?—No doubt.

4345. Of the minor punishments in the power of the commanding officer, such as drills and the defaulters' room, which do you think the most effectual?—I have generally, for serious offences, awarded a mixed punishment, if it is possible; for instance, forty-eight hours in the black-hole, to that is added so many days heavy marching drill, and after that possibly confined in the barracks; but it was only in serious cases that I gave so severe a punishment.

4346. Have you had any instances in which the man's pay has been stopped?—Yes.

4347. What effect has that?—I do not think it has the great effect that many people attribute to it. I do not think the soldiers care a great deal about it.

4348. Your men are almost all Englishmen?—They are almost all Englishmen.

4349. Have you ever commanded a Scotch regiment?—No; but I have commanded an Irish regiment.

4350. In the Irish regiment was there the same feeling with respect to money?—I think much the same.

4351. Are you of opinion that in a Scotch regiment there would be the same feeling?—I should think not; I think they would have more care for their money. I commanded a Scotch company once.

4352. Of what description of men are the 35th composed?—I think they are the finest men I ever saw, young fine fellows generally, mostly from Gloucestershire, and chiefly farmers' men. But I ought to mention that the first few months I commanded that regiment, there were transported by civil law eleven men, and seven men by general courts martial, to the best of my recollection.

4353. Can you furnish the Commissioners with any return, showing the decrease of punishments and the sentences of courts martial in your regiment, during the last year, as compared with the two or three preceding years?—I can state that the courts martial between the autumnal inspection of September, 1833, and May, 1834, amounted to one hundred and fifty, and that from that May to the following September they amounted to thirty-eight, five of which were for crimes committed previous to my assuming the command.

[*The witness delivered in a return, which was read as follows:*]

**35*th* FOOT.**

*Summary of Courts Martial and Sentences from* 10*th November*, 1831, *to* 6*th October*, 1831.

| | Tried by Court Martial. | | | Total. | Sentenced to | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | General. | District. | Regimental. | | Transportation. | Corporal Punishment. | Solitary Confinement | Imprisonment. | Forfeiture. | Reduced. | Stoppages. | Pardoned. |
| From 10th November, 1831, to 29th October, 1832 | .. | 23 | 53 | 76 | .. | 12 | 41 | 9 | 6 | 13 | 6 | 1 |
| From October, 1832, to 6th May, 1833 | .. | 23 | 58 | 81 | .. | 2 | 41 | 15 | 10 | 11 | .. | 2 |
| From May, 1833, to 5th October, 1833 | .. | 29 | 43 | 72 | .. | 4 | 60 | .. | 8 | 8 | 15 | 2 |
| From October, 1833, to 27th May, 1834 | 7 | 81 | 62 | 150 | 6 | .. | 98 | 60 | 22 | 10 | 19 | 2 |
| From May, 1834, to 6th October, 1834 | 1 | 19 | 18 | 38 | .. | 1 | 7 | 26 | 5 | 5 | 20 | .. |

*Lieut.-Colonel Geo. Leigh Goldie.*

And in the half-year following that return, namely to May last, the courts martial were one or two more than forty; these are the periods in which the regiment worked under my own system.

4354. Have you ever considered the question of an order of merit in the Army?—Yes, I have thought of it a little, and I think myself that it would be of the greatest advantage to hold out. I myself have worked upon a somewhat similar system, which is having lists of well-conducted men. For instance, the general order directs us to have all men noted who have been five years without offence, but I have added to that the men who have been three years without offence, two years without offence, and one year without offence; and those men have with me a preference to furloughs and other indulgences; and I think upon some system of this description much good might be done.

4355. Do you think the men themselves would prize those distinctions?—I am perfectly convinced of it.

4356. And if through any misconduct they were sentenced to be stripped of them in front of the regiment, do you think that would have great effect as a punishment?—I am perfectly convinced of it.

4357. You have been in service before the enemy?—I have.

4358. Whatever you may think of corporal punishment within these islands, do you think it possible you could manage a regiment in front of the enemy without it?—I consider it quite impossible. I served four years and a half in the Peninsula, and it is my firm opinion that it could not be done.

4359. Have you ever served in the colonies?—I have; I served for three years in St. Helena, and about two years in the Mauritius.

4360. How came you at St. Helena?—With my regiment as part of the garrison when Napoleon was there.

4361. How long were you in the Mauritius?—I was there nearly two years.

4362. In the Mauritius was there a considerable degree of drunkenness?—A great deal.

4363. Intoxicating liquor was cheap and easily got?—Yes, a pennyworth would make a man drunk.

4364. Was the men's time fully occupied?—We occupied it as much as we could, but the climate is so hot that it is very difficult. You could not parade between nine o'clock in the morning and four in the afternoon.

4365. During that time what did the men do?—They sat in the barrack room. It was after the evening parade that all the mischief was done.

4366. How much time had they between the evening parade and tattoo?—Evening parade was at five o'clock, it was dark between six and seven, and tattoo took place at nine o'clock.

4367. So that they had from six to nine to do what they pleased?—Yes, and sometimes they broke away from us. I do not know that it occurred in my regiment, but in other regiments I have heard of instances in which they broke away, got into the sugar plantations, and got rum, and would lie there three or four days, drinking in a state of beastliness.

4368. When they had that facility of obtaining liquor, what punishment did you find the most effectual?—Solitary confinement had a good effect at first. We could not work them with hard labour there, I do not remember any instance of it.

4369. Do you think that had more effect than corporal punishment?—No, I do not think it had.

4370. For first offences do you think that solitary confinement had most effect?—Yes.

4371. In St. Helena was there great opportunity of intoxication?—There was, but we did not much regard it at the time; our men were labouring on the roads.

4372. Liquors were not so easily acquired there?—No, the men were labouring upon the roads, and they got a pint of wine as ration wine, and the day they laboured they also got another pint of wine; the men were kept almost in a state of intoxication.

4373. Did you happen at that time to have any conversation with the French officers about our Army?—We were not allowed; at least, it was not wished, I believe.

4374. In those colonies do you conceive it would have been possible to have kept up the discipline of the regiment if the power of inflicting corporal punishment had been abrogated?—I do not think it would.

4375. Had you means of solitary confinement?—Yes, we had, but not good. I have known instances of solitary confinement being sentenced for two years; one year was by no means an uncommon thing.

4376. Where were they executed?—Chiefly at a small island, l'Ile de Passe, at the back of the island at the Mauritius.

4377. Are there prisons there?—Yes, two cells under the charge of the military.

4378. Had you ever any opportunity of seeing a man after he had come out from a confinement of a year?—Several times.

4379. Had that confinement the effect of reforming the individual?—I doubt it very much. I did not find that lengthened confinement had the effect that I expected.

4380. Had this long confinement the effect of breaking the spirit of the man or unfitting the man for his military duties afterwards?—I do not think it had; they generally came out much as they went in.

4381. Where had the 35th regiment been quartered before it went into those quarters at Blackburn?—In the West Indies.

4382. Had it returned from the West Indies as a skeleton regiment?—No, it was quite complete, I believe, upon its arrival at home, the regiment and the depôt being joined together; but I believe the service companies were nearly complete upon their landing.

4383. So that you had no great proportion of young recruits?—Very few.

*Lieut.-Colonel Geo. Leigh Goldie.*

4384. So that no portion of the ill discipline can be attributed to that circumstance?—No.

4385. What description of men do you consider the best for a recruit, and the most amenable to discipline?—I should prefer an agricultural labourer.

4386. Should you prefer an agricultural labourer to a man who had received a better education?—I think I should, as a soldier he would be more obedient.

4387. Have you known instances of men of better station of life, and better education being soldiers?—I have.

4388. How have you found such men?—In many instances very troublesome.

4389. Upon the whole less amenable to discipline than the other class?—Most certainly; I had a man of that class that gave me a great deal of trouble indeed.

4390. Had you any instances in the 35th of officers that had risen from the ranks?—I think there is not one at present in the 35th except the quartermaster.

4391. Have you known it in other regiments?—Not many.

4392. In the situation of adjutant and quartermaster?—Yes, and also in other commissions.

4393. Have those men been generally young unmarried men, or men of a certain age with families?—Men of a certain age, some with families and some without.

4394. Those without families messed with the other officers?—Yes.

4395. Did they find themselves at ease?—I should say not, certainly.

4396. The other officers were not as cordial with them as they were with each other?—I think not.

4397. With respect to their duty, have you found them more attentive to their duty, and more to be trusted than the other officers?—I should say not, certainly.

4398. You are aware that in the French service a certain number of commissions in each regiment are reserved for what are called the *sous-officiers*, what would you think of a system of that description being established in our Army?—It is not a matter I have given my mind to, but I should say it would not answer well, for I think that our soldiers have that respect for the upper class that you never could substitute inferior people.

4399. You think the soldiers would not obey men that had risen from the ranks with the same degree of respect that they would the other officers?—I am quite persuaded of it.

4400. Supposing they got their commissions in another corps?—Still I think there is that feeling.

4401. Would the non-commissioned officers generally have difficulty in finding the necessary money to pay for their equipment?—I should say so; I think very few non-commissioned officers lay by money.

4402. In the 35th regiment, for instance, can you state what it costs a subaltern to fit himself out when he joins the regiment?—I cannot exactly say, but I should think from £60 to £80.

4403. And therefore a non-commissioned officer, who could not command that sum of money, would be put to great difficulties when he first got his commission?—Certainly.

4404. The dress of the 35th is not an expensive one, is it?—Not particularly so.

4405. Has not the expense of the dress of the Army considerably decreased by being allowed to wear an undress coat?—Very much.

4406. When you first knew the Army the fitting out was much more expensive than it is now?—Yes.

4407. You have stated that the soldiers came out after twelvemonths' solitary confinement at the Mauritius with very little alteration in their appearance, what rations had they in solitary confinement?—I always threw that upon the surgeon; I made him give me a scale for a wholesome subsistence for the prisoners not exceeding the sum allowed in the solitary confinement which they got; and in the same way in Ireland I have given a man confined there two pounds of bread a day, and two pints of milk, and I have found that quite sufficient, and no meat; my surgeon gave it as his opinion that it would be beneficial to the men's health not to have meat when in confinement.

4408. You are aware of course of the circular letter of the 24th June, 1830, by which the power of commanding officers is extremely restricted with respect to the punishments they are to inflict of their own authority, are you of opinion that that restriction has been serviceable, or otherwise, in maintaining discipline?—I should say that possibly it has not been serviceable, inasmuch as I think a greater power might with benefit be given to a commanding officer of a regiment as to solitary confinement. For example, we cannot now confine a man for more than forty-eight hours in the black hole. No officer in command of a regiment ever allows a man to be punished by solitary confinement but by his own decision, or that of an officer commanding at a station; I myself never punish a man without hearing evidence perfectly satisfactory and conclusive (I do not allow the man's confession to be sufficient), and consequently I think a commanding officer of a regiment is qualified to judge of the extent of a punishment of that description in the same way as a magistrate does; to him only would I give the extended power.

4409. Supposing a commanding officer had the power to inflict a fine in a slight case of drunkenness, do you think that would have much effect in restraining the offence?—I think the best effect; my own opinion is that courts martial for habitual drunkenness do not do that great good that they ought; they are much too frequent, and therefore the plan of fining a man a certain sum of money would punish the culprit without going through the form of bringing him to a court martial, which I think ought to be reserved for more serious offences.

4410. You think a less degree of restriction upon the commanding officer with respect to the punishments within his power, would have a better effect than the present regulation?—I do, in some instances.

*Lieut.-Colonel Geo. Leigh Goldie.*

4411. Have you had many men in your regiment sentenced to stoppage of pay for habitual drunkenness?—Not many, since I took the command, I think.

4412. Do you find that many absent themselves to prevent being seen in that state?—I have not the slightest doubt of it.

4413. And that, consequently, absence from the regiment is more usual than before the establishment of that regulation?—Yes; the fact is, that that is almost the only crime in my regiment.

4414. And it is the beginning of many others?—Yes, most surely.

4415. Have you had any instances of drumming out a man, or discharging him with ignominy?—Not one.

4416. Have you had any cases that seemed to call for it?—I had one case where that sentence was awarded; I wrote to request that it might be carried into effect, but it was not deemed necessary by Sir Hussey Vivian.

4417. Supposing it was more easy to get rid of the very bad men in the regiment and the incorrigible men, do you think it would tend much to enable a commanding officer to maintain discipline?—I do. I think there are some men that it is impossible to reclaim.

4418. On the other hand, would it encourage the men to behave ill for the very purpose of obtaining their discharge?—I think not; I think that if soldiers are kindly treated they do not dislike their life. When first I took command of the regiment, the monthly desertion was as much as ten, and even to thirteen; and I think when I left it, for the last nine months, I had not more than five in all, and those desertions were chiefly from men being trusted with money, and money falling in their way; it was a temptation they could not resist.

4419. Then you would have no fear that the frequent discharge of an incorrigible man would have the effect of inducing others to commit offences for the very purpose of obtaining their discharge?—I do not think it would.

4420. Still less in case the person so discharged was branded in any way?—Certainly.

4421. Do you find that the crimes in general are confined to a few men in each company?—Almost always.

4422. Those are the men that come over and over again in the defaulters' book, and come to courts martial?—Yes.

4423. And bring discredit upon the Army?—Yes, it is generally from twenty to forty men in a regiment.

4424. When you took the command of the 35th regiment what were the feelings towards it in the places where they were quartered?—I think very good. They were upon the best terms with the inhabitants, and much more intimate terms than I liked. The people took them to public houses frequently, and gave them as much as they chose to drink for nothing, and I dare say that assisted to upset the discipline of the regiment.

[*The witness withdrew.*]

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*Saturday, 27th June,* 1835.

The Right Hon. Lord WHARNCLIFFE in the Chair.

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*G. J. M.,* Esq. was examined as follows:—

*G. J. M., Esq.*

4425. The commissioners understand you have served in the French Army?—I have.

4426. At what time did you enter that Army?—In 1830.

4427. After the days of July?—Yes.

4428. Were you at Paris during those days?—Yes, I was studying to be a physician at the hospital Beaujon, in Paris.

4429. Did you enter the Army immediately?—I did, having been presented to General Lafayette, when he came to the hospital, for the services I had rendered. The general asked me what he could do for me in return; I begged he would get me into the French Army as a surgeon. This he said he could not do, but he offered to have me entered at the royal school of cavalry at Saumur as a cadet.

4430. Did you join the depôt at Saumur as a cadet?—Yes; on leaving it I joined a regiment of *Chasseurs à Cheval* in 1833, and have been ever since in activity, being now on leave of absence to visit my family.

4431. During the time you were in the situation of cadet at Saumur, what duties had you to perform?—At first, merely those which were to fit me for the situation of a cavalry officer.

4432. Had you any command at the time?—Not when I first entered, as I had to learn my professional duties, but when advanced in these, I was intrusted with the command of a platoon of *élèves,* of whom there are several distinct classes.

4433. Those cadets being always in waiting for commissions?—Not all; there are the *élèves instructeurs,* who enter merely as pupils, and go out as non-commissioned officers into regiments; some enter as *élèves trompettes* to learn to sound the orders correctly, and when competent are sent into regiments; some as *élèves maréchaux* to be farriers. The *officiers élèves* only are waiting for commissions.

4434. Are they formed into companies?—They are formed into eight companies or four squadrons.

4435. In what situation were you with respect to those companies?—I had the command of a platoon, as *officier élève.*

4436. A platoon consists of how many men?—Of thirty-two men.

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4437. In that platoon were there any but cadets, any men raised by conscription, or any *remplaçans?*—There is no such thing as a *remplaçant* admitted; they must be gentlemen, and sent there by the minister at war. The colonel of each regiment of cavalry sends annually a subaltern and a private to be instructed, in order that they may return *instructeurs* to their regiment. But there were in the regiment to which I afterwards belonged many *remplaçans*, men who had sold themselves, and others on whom the conscription lot had fallen.

4438. Where was this regiment quartered?—I joined at Gray, in the department of *La Haute Saone*, near Switzerland, and left it to go to Lyons in consequence of the disturbance in that town; from thence we afterwards went to Vienne, ten leagues beyond Lyons.

4439. What is your situation in your regiment?—I am a cornet.

4440. The men in the dragoon regiments in the French Army are of a better class than the men in the infantry, are they not?—In the cavalry, whether light, mixed, or heavy, there are more gentlemen who engage themselves as common soldiers, and who have not fallen to the conscription; but they do not fall particularly to the dragoons, The hussars and chasseurs are light cavalry, the dragoons and lancers are called *cavalerie mixte*, the carabiniers and cuirassiers heavy cavalry.

4441. In the regiment, were there a considerable number of persons neither conscripts nor *remplaçans*, but volunteers?—Yes.

4442. Those persons are of a better class of men?—Yes; there was a man in my regiment, a Bachelor of Arts, a man of a very respectable class.

4443. With respect to the conscripts, of what class of persons were they in general?—They were of all classes, gentlemen amongst others; these being drawn by the conscription, and unable to pay for a *remplaçant*, were obliged to serve their seven years.

4444. What description are the *remplaçans?*—They are generally old soldiers; but there are many in France who sell themselves for seven years, not having been drawn by conscription, to gentlemen who have been drawn, and are unwilling to enter the Army.

4445. In the corps are the *remplaçans* looked down upon by the others?—No, not now; though I understand they used to be so formerly. There is an instance in my regiment of a non-commissioned officer selling himself as a substitute for a private, and still keeping his rank of non-commissioned officer; also, of one in the regiment so selling himself, who, afterwards, became a commissioned officer.

4446. In respect of the discipline of the regiment, do you find any difference in the three classes, the volunteers, the conscripts, and the *remplaçans?*—The *remplaçans* are decidedly the best soldiers, particularly those who sell themselves after the expiration of their first *congé*, or period of seven years, which, before 1830, extended to eight.

4447. When you speak of them as the best soldiers, do you mean as to smartness, and so forth, or the most amenable to discipline?—I meant as to smartness.

4448. With respect to discipline, which class do you conceive to be the best?—In this respect, also, they are the best; they have a decided military taste, from having generally served seven years previously to selling themselves.

4449. The volunteers must engage themselves from a liking to the service?—Yes; they have also a military taste when they enter the Army; but they generally turn out poor soldiers, particularly the Paris recruits; the German recruits, those raised on the borders of Germany, are better cavalry soldiers, they ride better, are fonder of their horses, and are better disciplined men in general.

4450. The Paris volunteers would probably be men who had a certain station in life, and reduced themselves by dissipation and profligacy?—Not always; but a great many of those who engage themselves are young men of family, who have gambled or got into some scrape.

4451. Do you find these men easy to manage?—No, not at all, they are the most difficult.

4452. With respect to the conscript, does he join the regiment with spirit?—Yes, when they first join, they come with gaudy ribbons on their hats in great glee; but when they have once put on their jackets, and the wooden shoes, their joy is generally turned into grief. In their stables they are obliged to wear wooden shoes, and even to walk through the town in them, when their horses are lodged out of the barracks. They have generally two horses to dress, and they prefer these shoes, which preserve their feet from injury, when the horses, which have no bars between them, happen to tread on their feet. As the men, however, seldom or never wear stockings, these shoes have an awkward and unsightly appearance.

4453. In your regiment, are the instances of insubordination to non-commissioned officers frequent?—No; the non-commissioned officer in France is a man who has risen from the ranks, who sleeps in the barracks, and is generally well acquainted with the private life of the men he commands; he has, therefore, perhaps more influence over them than even the commissioned officer, being continually among them, and passing the reviews previously to the arrival of the officer, who frequently takes the word of such a non-commissioned officer as he can confide in that all is right, without passing the review himself.

4454. What do you mean by passing the review?—He passes the inspection of every thing confided to the soldier's care, and his arms, accoutrements, clothes, saddle, &c., for which there are days fixed in each week by the colonel.

4455. The instances of insubordination to the non-commissioned officer are seldom?—Yes; it happens to the corporal sometimes, for he sleeps in the room with the men, and is often too free with them. There is no rank more difficult to hold properly than the corporal's, who is at once superior and equal.

4456. Do you mean to say that the instances of insubordination to the corporals and non-commissioned officers is in proportion to the freedom with which they live together?—Yes;

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but the non-commissioned officer not sleeping in the same room with them, maintains his rank more easily than the corporal. The six *maréchaux-des-logis* attached to each squadron all sleep in the same room; the *maréchal-des-logis-chef* and the two *fourriers* have also a room in common between them.

4457. Is the *maréchal-des-logis* tantamount to a serjeant?—Yes, and the *maréchal-des-logis-chef* to the serjeant-major.

4458. Below that rank you have the corporal?—Yes, who is called *brigadier* in the cavalry.

4459. Is there any other?—There is a *brigadier-fourrier,* who keeps the accounts under the serjeant-major. There are two *fourriers* in each squadron, and a *maréchal-des-logis-fourrier,* and a *brigadier-fourrier;* in the infantry there is only one, but in the cavalry there are two.

4460. In the French regiments a certain number of commissions are reserved for the non-commissioned officers?—Yes; there is one at the king's choice, one for the election of the corps, and one for the schools.

4461. How high do those commissions go? Do they go throughout the regiment, or only up to a certain rank?—Only to the rank of a *sous-lieutenant;* the non-commissioned officer, or *maréchal-des-logis,* and the adjutant *sous-officier* aspire to this rank.

4462. Is the adjutant always a non-commissioned officer?—No; there is the adjutant-major, who is a captain, and the non-commissioned adjutant, who is the first non-commissioned officer, corresponding, I believe, to the English regimental serjeant-major.

4463. The adjutant-major stands pretty nearly in the same situation as our adjutant does?—Yes, except that the adjutant here is only a lieutenant, but he is a captain in France. There are six adjutants in each regiment, three adjutant-majors, and three who are non-commissioned officers.

4464. The adjutant-majors then are commissioned officers?—Yes, with the rank of captain.

4465. And the adjutant *sous-officier* stands pretty nearly in the situation of our serjeant-major?—The serjeant-major in France belongs only to the infantry, and is responsible for the attendance of his company, as the *maréchal-des-logis-chef* is for that of his squadron in the cavalry; but the adjutant non-commissioned is on the staff, and receives the reports of all the serjeant-majors or *maréchaux-des-logis-chef,* and thence makes one general report for the whole regiment. Of these three adjutants *sous-officiers,* one is a *vaguemestre,* and the other two are for the police, &c.

4466. In the cavalry, in England, there are the troop serjeant-major and the regimental serjeant-major?—I suppose the former may correspond with the *maréchal-des-logis-chef,* and the other with the adjutant *sous-officier.* The former has in his squadron, and the latter in the regiment, the same power of inflicting punishment as a cornet or lieutenant.

4467. What degree of punishment can they inflict?—They can inflict four days *salle-de-police,* which subjects the offender to all the unpleasant work by day, and to sleep on the boards by night; also eight days *consigne,* which confines a man to his quarters; also eight days interdict from carrying the sword. The *consigne* also subjects a man to the call of the non-commissioned officer or guard at the barrack-gate, as well as to the dirty work and extra drills. The captain in his squadron, the adjutant-major, or any superior officer, can inflict a month's *consigne,* fifteen days *salle-de-police,* eight days prison, or a month's interdiction from carrying the sword. Those sent to prison remain in it without stirring out during the whole time of their punishment, their pay being stopped for this interval. It is applied to the improvement of the mess of the squadron to which each of them belongs.

4468. Is the *salle-de-police* attached to every barrack?—Yes, there are *salles-de-police* and prisons in every barrack. There is also a place for solitary confinement, which is seldom made use of, except for offences of a serious nature; it is called the *cachot.*

4469. Have you such a punishment as extra drills?—Yes, a non-commissioned officer who is under punishment would be ordered to command those drills. He keeps them in exercise with the sword or lance, while their faces are turned towards the sun.

4470. The men who have committed offences are formed into a platoon and exercised, and they are exercised by a non-commissioned officer under punishment also?—Yes, the corporals and privates come down at the sound of the trumpet (*aux consignés*), but the *sous-officiers* only answer to the sound "*aux sous-officiers punis,*" which is not frequent.

4471. Have there been any instances of non-commissioned officers obtaining commissions?—Yes, I knew one sent from the school of cavalry as a *maréchal-des-logis* in 1833, who obtained a commission in 1834.

4472. Speaking of those who have entered the army as conscripts, or even *remplaçans,* do you know any who have obtained commissions?—None, since I entered the service; but it is considered a surprising thing that it has not happened, as there used to be generally one or so given every year. In fact, there were so many commissioned officers put aside, and others promoted after the affair of July 1830, that they have been forced to stop promotion till they could replace in their functions those whom they then dismissed. All those *ex-gardes du-corps* were officers in the line, though privates in their respective companies, and have most of them taken service since. To find places for those men, it was necessary to stop all kind of advancement for a while.

4473. Has that been much complained of?—Very much indeed.

4473.* Are there any officers in your regiment who have actually passed through the ranks?—Yes, almost all have been privates, and there was one who was a *remplaçant.*

4474. Before they were in the Army, were they persons of a certain station of life, or were they from the plough and so on?—There was one who used to plough his father's fields,

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another who was learning the trade of a carpenter; there are several of whom I cannot recollect the particular profession.

4475. Do the officers of your regiment mess altogether or do they mess by rank?—They mess according to rank, the cornets and lieutenants together, the captains together, and the superior officers together. My colonel is a married man and messes with his family.

4476. The messes are by ranks and not by regiments?—In no case by regiments.

4477. Is there much society between the different ranks in regiments?—There is always a great distinction and deference, always that kind of military etiquette even in parties. A cornet or lieutenant observes that distinction even in private society for his captain or colonel.

4478. Are you aware of the manner of living in society in English regiments?—Not at all; I know some of my brother officers have dined at an English mess, and thought them much more social.

4479. You have not dined at a regimental mess in England?—Never.

4480. You are aware that officers of all ranks dine together, and are in point of society perfectly equal?—Yes, once out of service; but it is not at all the same in France.

4481. You have no mess equipage, you usually mess at the hotel?—Yes, when we arrive at a garrison, the colonel from the report of the officers decides at what hotel we are to mess; he also appoints the coffee-houses as well for the commissioned as for the non-commissioned officers, and the other coffee-houses are forbidden to each.

4482. Do the non-commissioned officers ever enter into society with the commissioned officers?—Sometimes; the colonel of my regiment has two nephews, the one a non-commissioned officer, and the other a private, who sometimes dine with him.

4483. Do you often meet at the billiard tables and so on?—Yes, in the billiard-room attached to each coffee-house, frequented according to the rank of the officers.

4484. Do the non-commissioned officers come to your billiard table?—No, they have one at their own coffee-house.

4485. Are they obliged to go to the coffee-house to which they are appointed?—Yes, my colonel thought fit to give this order for the purpose of preventing their getting into political clubs. Some men calling themselves republicans were desirous of getting acquainted with our non-commissioned officers, and one night several hundred seditious pamphlets were thrown about our barracks, in consequence of which, the orders were given to appoint a coffee-house to the officers according to their rank, to prevent their intercourse with these people.

4486. Are the privates confined to particular coffee-houses?—They do not go to coffee-houses, they frequent *cabarets* or wine shops.

4487. Is the crime of drunkenness frequent in your regiment?—No, the privates cannot get drunk, they get so little money.

4488. What is the pay of a private?—The pay of a private is 5½*d*, a-day, (eleven *sous*) from which they have to pay their mess, and also deductions for blacking, washing, and other expenses.

4489. Where is their mess kept?—In the barracks, each squadron has its own cooks; two men in each squadron are cooks by turn for five days.

4490. These cook for the whole company?—Yes, there were always two ordered for that duty in the squadron to which I belonged.

4491. Are they paid anything extra?—No.

4492. What is deducted from the men on account of their mess?—That depends upon the part of France in which they are quartered, the price of meat, and of other necessaries.

4493. Is that settled by the commanding officer of the regiment?—The commanding officer of the regiment decides how much they are to pay for their mess; the adjutant-major makes the arrangement with the butcher, and then it is decided according to the advice of the *conseil d'administration.*

4494. What proportion of their pay, generally speaking, goes towards their mess?—About seven *sous*, generally, out of eleven.

4495. With the other four *sous* they must find their necessaries?—Yes, the *maréchal-des-logis-chef* pays their washing, blacking, &c., and when these charges are deducted, they generally reckon upon five *sous* every fifth day, (2½*d.* English), but there are soldiers *de la première classe*, of at least two years' service, who have an extra pay of one *sous* per day.

4496. They are paid the surplus, whatever it may be, on the fifth day, and it generally amounts to 2½*d.*?—Yes, for the common soldier, and ten *sous* for the first-rate soldier.

4497. Is drunkenness frequent among the soldiers in the regiment?—There is a day in the three months when it is general. The treasurer of the regiment receives on behalf of every private on his entering the service one hundred and twenty *francs*, which is reduced to fifty-five *francs* by shirts, collars, &c., which are given to them on joining; the treasurer receives thirteen *francs* and ten *sous* every third month, for keeping up this *masse* of fifty-five *francs;* all above this sum which is not expended on them they receive at the trimestrial settlement. For the two days of settlement, much intoxication prevails, though the actual balance seldom amounts to ten *francs.* The duty at the barrack door is doubled, and all means are adopted to abate this disorder.

4498. Is licence given them? No, it is hindered as much as possible; they have extra duties, but they generally find time to get drunk.

4499. Have you more instances at that period of insubordination to the non-commissioned and commissioned officers?—Decidedly, from the men being drunk.

4500. Are they treated with equal severity, if those cases of insubordination occur during that time as at other times?—Yes; the colonel makes no difference, nor does he wish a difference should be made; but, in point of fact, I think there is a little difference made on the part of the officers in general, who know that it is just at that time (only once every quarter) they receive this *décompte*, as they call it.

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4501. Is it wine or spirits that the French soldiers generally drink?—In the morning they generally drink brandy and afterwards wine.

4502. Do they in general drink brandy to excess?—No; I think they do not; when they get drunk it is generally with wine after ten o'clock,—breakfast hour.

4503. You say the colonel's nephew is a private soldier, would he take his turn for cooking?—Yes, or else he must pay ten *sous* to another for having it done.

4504. Is drunkenness, except at the periods you mention, a common vice in the French Army?—I think it is more frequent than is generally supposed from the sobriety of Frenchmen; but it is so difficult to speak comparatively, as I have not lived in England at all of late. The French are generally sober, more so than the English.

4505. Is that sobriety more owing to the want of extra pay, or want of inclination?—I think if they had more pay they would drink a great deal more.

4506. What is the general ration supplied out of seven *sous* a day?—They have half a pound of meat for each man, some vegetables, and a little bacon.

4507. Any bread?—They are allowed a pound and a half of brown bread a-day, exclusive of the rations they pay for.

4508. Any wine or spirits?—No; except just on the king's birth-day; and in the south of France the men were allowed brandy as a remedy against the cholera, while it prevailed; but it was so diluted with water, that it was of little service to them. They are allowed vinegar also during the heat of summer.

4509. In case of an act of insubordination to a non-commissioned officer, what punishment would be in general inflicted upon the man?—It would depend upon the character of the man, and the nature of the offence; he might in some cases be tried by a *conseil de discipline*, and sent into a company of discipline.

4510. Where are the companies of discipline quartered?—In different parts of France: there is one at Besançon.

4511. They are in garrison towns of course?—Yes.

4512. In case of direct disobedience of an order given by a non-commissioned officer, what would be done?—The non-commissioned officer would immediately put the disobedient soldier under lock and key in the *salle-de-police*, where the offender would remain till the next morning, when the colonel would probably put him for a fortnight into prison.

4513. What steps would be taken in case of insubordination, such as striking a non-commissioned officer?—He would be shot for it just as if he had struck his officer, the same respect being required from a private to a non-commissioned as to a commissioned officer.

4514. Do you mean to say, that supposing a man refused to perform his duty, and when urged to it by his non-commissioned officer or his officer, he should strike that officer or non-commissioned officer, the punishment for that offence would be death?—Decidedly.

4515. Have you known instances of that?—No, I have not.

4516. Have you known any men in your regiment sent to the galleys?—Yes.

4517. For what offences?—For theft; there was one sent into a company of discipline for refusing formally to obey my orders. He was tipsy and creating a disturbance in the town; I told him to return to his barracks, but he refused to go; I therefore sent for the guard, which he resisted, but without striking them. A *conseil de discipline* was convoked by the colonel, composed of a *chef d'escadron*, three of the oldest captains and lieutenants not belonging to the squadron of the culprit, and they sent him for two years into a company of discipline.

4518. Do you know what has become of him?—I believe him to be there now. He is a Paris man and an ill-disciplined soldier altogether. All the chasseurs of his section were glad to hear his sentence of condemnation read.

4519. To what class in life did he belong?—He was a shoemaker.

4520. At the expiration of two years will he return to his regiment?—He will return to the service, but into another regiment.

4521. What is his duty in the battalion of discipline?—He is at constant work, and is kept within certain limits which he cannot pass.

4522. What kind of work?—Laborious work.

4523. Is that punishment dreaded in the French Army?—Very much.

4524. Is it a general understanding among the men that if they strike their non-commissioned officer or officer, the punishment will be death?—Yes, they feel confident of this, and therefore never attempt to strike him, unless perhaps when drunk.

4525. You say that a man who was sent to the corps of discipline resisted a non-commissioned officer?—He resisted the corporal, who is not considered a non-commissioned officer; he resisted and pushed, but never struck any one.

4526. With respect to the punishment of the *boulet*, have you known any sentenced to that?—Yes, I knew a non-commissioned officer sentenced to it.

4527. Was he broken first?—Yes, he was broken by the *maréchal de camp* commanding the sub-division, on a report sent by the colonel.

4528. He broke him with the stroke of his pen, erasing his name?—Yes.

4529. For what was that sentence of the *boulet* put into execution?—For theft, though it seemed committed rather by way of joke than for the sake of plunder, for on the march from Stenay to Gray, he took some cotton caps out of a pedlar's cart, and gave them to all his men. The next morning the regiment left that part of the country, and went on to the next *étape*, whither the pedlar pursued him and lodged a complaint; the caps were found in the men's portmanteaus, and the offender was committed to prison. He was finally sentenced to five years' *boulet*, though a young man of good family, and previously well thought of.

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4530. Where is the *boulet* inflicted?—At Toulon, Brest, and other seaports.

4531. Have the goodness to describe what is the *boulet?*—I have never seen any of them, having never been at Toulon or Brest, but those condemned to it have a cannon-ball attached to their leg by a chain.

4532. It is never done at the quarters of the regiment?—No; they are sent off as convicts, but separated from those condemned for civil offences.

4533. For this offence he was sentenced to five years' *boulet?*—I think it was five years, but I am not quite certain that it was not ten.

4534. In cases of dirty arms and so forth, what sort of punishment would be inflicted?—Merely to remain in the barracks and to do the platoon lance or sword exercise; a punished non-commissioned officer exercises them together; if there are several of them, all are under the superintendence of the adjutants: or sometimes to sleep *à la salle-de-police* on the boards for one or two nights, in cases of great negligence.

4535. Can you form any notion of the proportion of men usually under punishment?—Yes, in our regiment, where there are about one thousand men, I should imagine there were every day fifty punished or thereabouts, non-commissioned officers and all included.

4536. What do you mean by being sent to sleep on the boards?—Being locked up where they can lie down only on sloping boards, having nothing on them but their coarse linen trousers, and jackets turned inside out. These boards are exactly the same as those in the guard room. Ten minutes before the night roll-call the non-commissioned officer on guard conducts them to the *salle-de-police,* whence he calls them out a short time before the morning roll-call.

4537. Out of a regiment of a thousand men they have generally about fifty undergoing this punishment?—Yes.

4538. Under whose authority?—Under the superintendence of the adjutant-major and the non-commissioned adjutant.

4539. Can they inflict this punishment without referring to the commanding officer?—Any officer, commissioned or non-commissioned, even a corporal, can inflict punishment on the privates, limited according to the rank of such officer; but all these punishments, if inflicted after the morning report, are next morning reported to the commanding officer, who alone has the right of forgiving or of changing the punishment inflicted.

4540. Do you find the men come over and over again to these punishments?—There are some who are continually punished, bad soldiers who do not seem to care much about it; still they dread the *salle-de-police* in winter, when they suffer severely from the cold.

4541. Where a man has been sent to the *boulet* or the galleys, or any punishment of that kind has been inflicted upon him, does he ever return to the regiment?—No, never from the *boulet* or galleys, though they may return from a company of discipline."

4542. They never return from the *boulet?*—No.

4543. The company of discipline, does it not tend to make them good soldiers?—I should say not; it hardens them. One of my regiment who had so returned, used to say continually, "Lieutenant, send me again to the company of discipline."

4544. What is the general effect of sending them to the company of discipline?—It does not count for service, they therefore take it much to heart, as the aim of all the French soldiers, at present, is to complete their seven years as fast as they can, in order to recover their liberty.

4545. Do they often re-enter at the end of their seven years' service?—There are very few indeed who voluntarily re-engage themselves; there are hardly any, except the few who may have obtained the rank of non-commissioned officer.

4546. Is that encouraged, or otherwise, by the Government?—The Government of course desire it, but the men have no motive to re-engage, unless as *remplaçans,* for which they receive from 1,400 to 2,000 *francs.*

4547. Are they entitled to a pension?—Yes, after thirty years' service, if they remain all the time in activity.

4548. Are there any distinctions of dress after any number of years' service?—The privates have merely one stripe of red worsted lace on their left arm above the elbow, at the end of seven years' service, two at the end of twelve, and three at the end of fifteen, similar to the white lace the corporal wears on his arm here; thus is length of service distinguished, but the distinction of rank is worn above the wrist.

4549. Is that distinction given, whether their conduct has been good or not?—Merely for the length of service. They are obliged to wear their distinctions on their uniform while in the service; they are not obliged to remain in the service, unless the country is at war, after the expiration of their seven years.

4550. Does it entitle them to any benefit?—Yes.

4551. Are the men generally anxious to remain in the service, or to get rid of it?—They are all anxious for their seven years to be at an end, in order that they may leave the service, or to sell themselves as *remplaçans.*

4552. Is desertion frequent?—No, very seldom.

4553. What is done to a deserter?—If he deserted in France, it is three years' *travaux publics;* in case of a relapse, death. Desertion in a foreign country, ten years' *boulet,* and to the enemy, death.

4554. Are those men at the *travaux publics* confined in a fortress?—Yes.

4555. To hard work?—Yes, they are all made to work.

4556. Would you consider a man who absented himself three days a deserter?—No, eight days; on the ninth day he is reported to the general as a deserter.

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4557. Suppose a man absented himself for three days, what would be his punishment?—He would be put eight days or a fortnight under lock and key in prison; there are many cases of that kind.

4558. As to those men who have the distinction on their arm in consequence of length of service, is there any respect shown to them by the other men?—Not the least.

4559. What is the benefit they derive?—They have the *haut paie*, three *sous* the first stripe, two *sous* added to that for the second, making five, and one for the third stripe, making six.

4560. Are there any of your men who have the legion of honour?—Yes, a trumpeter got it in the affair at Lyons, and several others.

4561. For what was that distinction given to him?—For brave conduct in the Lyons' affair. It is given after twenty years' service to old soldiers.

4562. For their service, merely, whether good conduct or otherwise?—They do not always get it after twenty years' service, but they may be proposed for it. Whenever the colonel proposes them they get it. The colonel would not be so injudicious as to propose a man whose conduct was bad, unless it was for an action *d'éclat*.

4563. They may get it for service such as that at Lyons as well as in war time?—Yes, or if they behave well in putting out a fire, or do anything which distinguishes them.

4564. Are those men who have the legion of honour looked up to by their comrades?—I do not think that makes any difference, except that they are saluted by their comrades, but so are the non-commissioned officers; the corporal touches his cap to the serjeant.

4565. They do not look up with great respect to a man merely because he has got the legion of honour?—No, not in the least. A private with that order is exempted from any unpleasant duty; he would not be set to sweep the yard, &c.

4566. Are the men themselves proud of it?—Very much so.

4567. Suppose they commit an offence, is it part of their punishment to be stripped of that order in the presence of the regiment?—No, not unless they are sent to the galleys; but they may be deprived of the honour of wearing it for a certain length of time by the colonel of the regiment.

4568. Is that practised?—I never saw it practised, though there are a great many non-commissioned officers and privates who have it.

4569. Do you think their feeling the disgrace of depriving them of it in the face of the regiment would be a great punishment to them?—Yes, I think their sense of honour is such that many would shoot themselves if they lost it.

4570. Does it hold forth an example to the others to obtain it?—It requires such an immense time before it is to be obtained for old services that a young man hardly thinks of it; but to an old non-commissioned officer it is a great inducement to be on his best behaviour as long as ten pounds a-year for life can influence him.

4571. You have no corporal punishment of any description?—No.

4572. Neither inflicted by the sentence of a court martial, by the commanding officer, nor by the men themselves?—Never.

4573. Have you troop courts martial, courts martial among the privates of a regiment themselves?—Never.

4574. Do you ever strike a soldier with the flat of the sabre?—Never, that would subject the officer to one year's imprisonment. A private would be shot for striking his superior.

4575. You never saw an instance of a flat sabre being used?—I have never seen an officer strike a man on any occasion. In the military regulations it is said, "An instructor shall not touch a recruit, even to rectify his faulty position, unless his want of intellect requires it." Sometimes if a serjeant or corporal touches a recruit rather roughly during the instruction, the officer who superintends will say, "Do not be so rough;" the non-commissioned officer, taking advantage of the regulation, will say, "He is such a machine that he cannot understand me."

4576. When a man conducts himself idly, and so forth, the officers never hit him with the flat of their sword?—They never think of such a thing. If an officer were to do so, and the man were to run him through, I imagine the soldier would not suffer for it; he would at least be fully authorized to strike him again. A superior striking an inferior makes the inferior his equal.

4577. While you were at Lyons had you many instances of disobedience of orders or drunkenness?—There was drunkenness, for brandy was given to the troops; I do not think there was any insubordination.

4578. Was that immediately preceding their being called upon to fire, or before they left their barracks?—While the regiment was parading about the town, when they came round by the place where the brandy was they were allowed to drink of it.

4579. Did you lose any men in your regiment?—Yes, but few in the cavalry in proportion to the infantry; but we did lose some.

4580. Did you in the regiment ever observe any disobedience of orders on the march, did any men ever say, "I will not march?"—No.

4581. What would be done in such a case?—The recusant would either be immediately given in charge to the *gendarmerie*, or forced to walk with the *arrière garde*.

4582. You never saw an instance of that kind?—No, never; for a slight punishment on the road they sometimes dismount a man, make him carry his portmanteau, and walk by the side of the regiment.

4583. Suppose he does not choose to walk?—They would make him. They would strap him between two horses, and so force him to proceed.

4584. What would be done with such a man when you arrive at your quarters?—He would

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be put into prison for a fortnight. I have seen men at the *salle-de-police* during the day-time refuse to come out to clean their horses, or to do any unpleasant duty. At the report next morning a complaint is made to the colonel of such refusal, who would probably change his two days or four days *salle-de-police* into a fortnight's prison. Repetitions of this nature would be sufficient grounds for bringing him before a *conseil de discipline.*

4585. Have you known instances of that?—Yes.

4586. At the end of that fortnight what becomes of the man?—He returns to his squadron as if nothing had happened. There was a man in the regiment with whom we could never do anything in consequence of his frequent relapses into bad behaviour; he was sent before a *conseil de discipline,* who removed him to a company of discipline to hinder such a man from setting a bad example to his fellow-soldiers.

4587. Is the offence of selling their necessaries of frequent occurrence?—They seldom or never sell anything belonging to the government, but sometimes things of their own, such as shirts and shoes, &c.

4588. They are obliged to have a certain number of shirts?—Yes, each man must have three, one on him, which he wears a week, one at the wash, and one clean in his portmanteau.

4589. What sort of punishment is inflicted for selling such things?—He would be put into the town prison from a fortnight to a month.

4590. Would that be by sentence of a court martial?—By the colonel, without being called to a court martial.

4591. Is the colonel the person who is to exercise his judgment as to bringing a man to a court martial, or is he forced to bring a man to a court martial for certain offences?—It is left to his own judgment, but on the demand of a captain the colonel is obliged to summon a *conseil de discipline.*

4592. Have you nothing in the French regiments in the shape of court martial such as ours?—There is a *conseil de discipline* and a *conseil d'administration;* the former decides on cases of discipline, and the latter on all that regards the interior administration of the regiment.

4593. Who presides?—The colonel at the *conseil d'administration,* and a *chef d'escadron* at the *conseil de discipline.*

4594. Does the colonel always preside at the *conseil d'administration*?—Generally.

4595. Who approves of its proceedings?—They are sanctioned only by the unanimous votes of its members.

4596. In that case is the first opinion given by the junior or the senior member?—By the colonel.

4597. Are the officers allowed to sit upon this *conseil d'administration* immediately upon their joining the regiment?—It is the eldest in each rank who attends this *conseil.*

4598. Are they different officers on different occasions, or always the same?—Always the eldest in each rank.

4599. Are the men satisfied with the justice of the sentences of the *conseil de discipline* generally?—I think so.

4600. You never heard any complaints?—Never.

4601. Does that court sentence to death?—No.

4602. In case of an offence calling for the punishment of death, by what court is that settled?—By a *conseil de guerre* assembled at the *état major* of the division.

4603. Do you mean by a court composed of the officers and that *état major?*—Yes, I believe so.

4604. You do not know how that court is actually composed?—No, I never was present at it.

4605. Who presides?—I believe the lieutenant-general commanding the division.

4606. He orders the proceeding?—It is on the report of the colonel of the regiment to which the man belongs; the lieutenant-general calls him to a court martial of the military division to which that regiment belongs.

4607. Have you ever seen the sentence of death executed?—Never, in any instance.

4608. Has there been any regiment with which you have been in garrison in which the sentence of death has been executed?—I was in garrison in Lyons and Paris for some time, but there was never any sentence of death carried into execution in the garrison while I was there. I believe it seldom happens that a man is shot, though there are a great many cases where, though the legitimate punishment is death, I think it is generally commuted for transportation or *boulet.*

4609. You still think that for striking a non-commissioned officer death would be inflicted?—Assuredly.

4610. Are the *maréchaux des logis* taken from the ranks, or filled up from cadets?—Both; but when cadets they remain two years as privates at Saumur school, and have all the duty of privates to perform.

4611. Is there any promotion given to the cadets?—Yes, the minister at war has an account sent in of the vacancies in the different regiments, and a proportion of these vacancies are sent to the school that the cadets may successively choose the regiments into which they would wish to enter, according to their respective numbers of merit.

4612. Are non-commissioned officers promoted by the colonel of the regiment?—The colonel used to do so, but I believe it is the lieutenant-general does it now. Before the regulation of the 2d November, 1833, the colonel could raise a man from the ranks to be a non-commissioned officer, passing through the rank of corporal. He was able also to break a non-commissioned officer, but now it is to be done only on his report to the *maréchal de camp.*

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4613. Has the colonel any power to dismiss a bad soldier found to be incorrigible?—In no instance, but a lieutenant-general at the annual inspection could do so.

4614. Is that ever directed by courts martial?—No, they are never sent back to their families, or simply discharged by courts martial.

4615. To what place do they send them?—Sometimes to companies of discipline.

4616. You say they generally return worse?—Yes, they go bad, but return worse.

4617. What number of conscripts join the regiment yearly?—About fifty generally; according to the number wanted.

4618. About the same number of men that left the regiment?—Yes.

4619. How do you keep the recruits generally under preparatory instruction?—They are at the school of the squadron on foot and on horseback about six months after their arrival at the regiment; but they are generally ill after their arrival from the change of food, as they are wretchedly fed.

4620. Are their barracks comfortable places?—The most uncomfortable places I ever saw. I have never seen anything like them. It was disgusting to see the men bathing from their being covered with the bites of bugs and fleas, and I am ashamed to add that little is done to remedy this evil. I have seen many a poor fellow who stretched himself for his night's rest in the stables, or even on the pavement of the court, to avoid the torment he must have endured from the swarms of bugs in his bed-room.

4621. Does that arise from inattention to cleanliness in the barracks?—There is a great deal of attention paid to every department except those liable to expense.

4622. Is it the colonel's business to see to cleaning the barracks?—No, there is an engineer officer attached to every barrack, whose duty it is to attend to those things. The *sous-lieutenant porte étendart* is the *officier de casernement* belonging to the regiment.

4623. What is their bedding made of?—Each man has an iron bedstead two feet wide, a horse-hair mattress, a straw mattress, one blanket, and one half blanket, very small, for the winter.

4624. Do the men sleep in their clothes, or without?—Without, except on duty.

4625. Have they covering enough?—Scarcely enough; the men are allowed to make use of their cloaks, but not of their horse-cloths.

4626. Are they wanted for the horses?—No, they are never used. The horses sleep without covering. These cloths, folded twelve times, are placed under the wooden saddles on the horses' backs. The men would be glad to use them at night if they were allowed.

4627. Do the men complain of their want of comfort?—They think it is the same in every country, and therefore put up with it.

4628. Are all the barracks you know in that state you describe?—Yes, all that I am acquainted with.

4629. You were quartered at Paris; were the men comfortably lodged and fed there?—The barracks are larger; there is also an extra pay in Paris. The pay is increased in consequence of the dearness of provisions, there being a heavy duty at the barriers on meat, wine, &c.

4630. What is your pay as a cornet?—It is about £72 a-year, and twelve francs a month for a room out of the barracks, for none of the officers sleep there except the adjutant-major; this would make it about £80 a year altogether.

4631. Including lodging money and all?—Yes.

4632. How many horses are kept for you?—One; I am allowed rations for one horse in peace time.

4633. Generally speaking, are you lodged out of barracks or in?—Almost always out of barracks.

4634. Are not the officers of cavalry much better paid than the officers of infantry?—Much better.

4635. What is the pay of a subaltern of infantry?—I should imagine they have not £40 a-year; they would have more in Paris.

4636. They are of course an inferior class of persons in general?—No, I do not think they are.

4637. Can a man live as an officer on his pay?—They can just make ends meet. There is a poor subaltern who lost his horse, and was actually obliged to mess with the non-commissioned officers to be able to purchase another. He had been a private in a regiment of artillery. In that corps the men very seldom rise to commissions, but when a man is deserving of such a reward, he is sent into a regiment of the line.

4638. What did it cost you to equip yourself?—A sub-lieutenant or a lieutenant can equip himself very well for 2,000 francs (£80.)

4639. Is that allowed to all who are in the service?—No, when a *sous-officier* obtains a commission he receives about £40, and the choice of a horse out of the first *remonte* the regiment makes.

4640. Does that equip him completely?—Yes, he makes it answer, but cannot do so without much care and economy. An officer who has nothing but his pay is not able to frequent the coffee-houses; he is poorer than a non-commissioned officer having only his pay.

4641. Were you recommended to this commission in consequence of your conduct at Paris?—Yes, I was presented to General Lafayette by M. Marjolin, chief surgeon of the hospital Beaujon, for the services I had rendered to the wounded. I went down the Roule while the Swiss guards were firing upon me to bring back the wounded. A young surgeon who was with me received one of the shots. I conducted him back, and then proceeded to bring others to the hospital. This was considered the more praiseworthy on the part of an Englishman, and they presented me to General Lafayette, who asked me what he could do for me.

4642. Had you taken any part in the fighting of the day?—No, not the least; I was merely rendering a service to humanity, and had no other object in it.

[*The witness withdrew.*]

*Lieutenant-Colonel Thomas Perronet Thompson, M. P.,* was examined as follows:

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4643. Have you left the Army?—I am an unattached lieutenant-colonel at this moment. I got that rank in 1829; since which time I have not been in active service.

4644. In what regiments did you serve previously?—I began in 1806 in the rifle regiment, at that time the 95th; I had previously served about two years in his Majesty's navy. I afterwards served as lieutenant in the 14th Light Dragoons; as a captain in the 17th Light Dragoons, now Lancers; and as major in the 65th Foot; and from that majority I got an unattached lieutenant-colonelcy.

4645. Have you had the command of a regiment?—No; except occasionally as a field officer, I have held the command of the regiment for short periods.

4646. Which regiment was that?—The 65th.

4647. Whereabouts was that regiment quartered at that time?—I think at Naas in Ireland. At the same time I cannot say that my having the command was long enough to give me any ideas that I had not collected before, for it was merely accidental. I was never permanently in the command of a battalion.

4648. You did not feel that the maintenance of the discipline by punishment depended upon you?—My duty and business was so to carry on the system existing in the regiment. I had no power to interfere with it.

4649. Was there a great deal of corporal punishment in that regiment at the time?—No, I never was in any regiment in my life where we had much corporal punishment. We had some.

4650. For what sort of offences generally?—I should think in general what may be called accumulated bad character, an accumulation of offences. A man grows disorderly, gets drunk, goes from bad to worse, and at last corporal punishment reaches him.

4651. It was not the habit even at that time to inflict corporal punishment on young soldiers for first offences?—Certainly not.

4652. What effect did it appear to you these corporal punishments had on those individuals who were punished?—I cannot state any particular effect beyond the fact of believing that a man who had been corporally punished was very seldom or never a valuable soldier afterwards. I should not have expected good service from a man who had been corporally punished.

4653. What effect had that punishment as an example on the rest of the regiment?—Doubtless it had an effect, for the discipline was kept up.

4654. What other punishments were resorted to instead of corporal punishment?—There were many other punishments; and it has always struck me from the experience I have had, that the discipline of a regiment might be carried on without corporal punishment. I doubt the fact of the discipline of a regiment being carried on without it while it is law. I should expect the colonel to fail, I would not undertake it myself. If I was a man of immense interest, whom there was no chance of opposing, I might perhaps carry it through, but without that, I should think it would fail; and I should not say that the failure of an insulated experiment would be a proof that it would fail if corporal punishment was abolished by law.

4655. What do you mean by a man of immense interest?—I mean a man there would be no chance of bearing down. The officers often set themselves against a commanding officer who opposes corporal punishment, because it is the easiest way for the officers. The captains of companies find it a convenient way; and it increases their power and dignity. The general custom, I believe, is, in regiments, unless where the colonel makes a very decided stand against corporal punishment, that any officer commanding a troop or company who brings a man up for corporal punishment may have him tried, and with the probability that corporal punishment will be awarded. It rests very much with the captains, and I think, unless the captains were interested in any particular experiment, they would raise difficulties in the way of an individual colonel who should declare he would not inflict corporal punishment. The captains would say they could not carry on the discipline of their companies. I have known such a thing as captains declaring loudly, though not exactly in the face of the colonel, "if the colonel will not corporally punish this man, I cannot carry on the discipline of my company."

4656. You are aware that since the year 1829 the frequency of corporal punishments has diminished very much?—I am.

4657. And that attempts have been made at head quarters to diminish their number?—I believe it; and it has diminished ever since I have been in the Army.

4658. You say that the discipline of a regiment might be carried on without corporal punishment; what mode would you take of substituting other punishments in lieu of corporal punishment in order to produce that consequence?—The effects of punishments in the Army may be divided into two heads—their effect in quarters, and their effect on service. I would state, as the opinion I have formed during what I have seen of the service, that a great and perhaps the principal fault of corporal punishment as it exists, is, that it fails before the enemy. It is like a musket which should be serviceable on parade, but which should refuse to go off when there was a bullet in it. In the same way it strikes me that when before the enemy you find you cannot be corporally punishing your men, and the consequence is, you lose the spring on which your discipline depended, and there is no new spring to substitute in its place.

4659. Do you mean to say, that on service corporal punishment is necessarily out of the question?—I do not say that it is necessarily out of the question, but there is a feeling in the Army that it cannot be carried on. The common expression is, "You cannot be punishing men now."

4660. What particular service do you refer to?—I can give two instances bearing upon the fact. I will first give one which occurred in the 95th, or Rifle regiment, where corporal punishment was not carried to its usual extent in consequence of that feeling. The day before we landed

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on the unfortunate expedition to Buenos Ayres, being the officer on watch, I heard a private say, "The officers had better take care of themselves, for we shall have them in our front to-morrow."—I knew what that meant; that if an officer did anything in the way of discipline which the men did not like he should be shot. I brought the man up for punishment, and the man was tried. At that time corporal punishment was almost the only punishment in vogue except for very slight crimes. The court martial found him guilty, and inflicted upon him, if I recollect right, one hundred and fifty lashes; which, although it may be a severe punishment in itself, was a very slight punishment in reference to the scale of punishment then existing in the Army. For a man would have received one hundred and fifty lashes on any complaint of a captain; for instance, of his being once or twice drunk, or being habitually dirty. I had been told in quarters in England, when trying to bring down a man's punishment to one hundred and fifty lashes at a regimental court martial, "You must not make a joke of the service." Therefore it struck me strongly, that upon that occasion there was a manifest letting down of the scale of punishment,—a failure of the system; it was avowed practically to the soldiers that the officers would not, or could not, maintain the scale of punishment previously in use.

4661. Did he receive his corporal punishment?—He did.

4662. Did that put an end to that sort of feeling?—I heard no more of it. But the soldiers must have seen there was a great difference in the application of the scale of punishment then from what it would have been if they had been in quarters.

4663. Did you happen to sit on that court martial?—I apprehend not. I was, in fact, the accuser, the prosecutor.

4664. Do you think that punishment, which you think was smaller than the occasion justified, was awarded from the feeling of its not being advisable to punish the soldiers actually on service, or from some opinion that the man deserved a punishment of that amount only?—I cannot tell what was the feeling of the officers of the court martial. My feeling was that the act of the soldier was an act of gross mutiny or tendency to mutiny. I believe I may say it is almost the only time in which I have brought forward a soldier for corporal punishment, but in this instance I did bring him forward resolutely, being the officer on the watch, and having heard it while on duty. My impression was, that the smallness of the punishment was in consequence of the sense the officers had of the inapplicability of corporal punishment at a time like that.

4665. You are not aware of having heard that repeated?—I am not. I certainly heard no more of that kind.

4666. You stated that there were other instances of the same kind?—I recollect in the 14th Dragoons, having occasion to make a complaint against soldiers who had committed what I consider a military crime. I was ordered, in the Peninsular war, with I think eight dragoons and about sixteen Spanish infantry, I believe it was in the neighbourhood of St. Severs, to ascertain whether a division of French cavalry was at a certain point six or seven miles off. I contrived to arrive there near night-fall, and ascertained that they had been gone about four hours. As I returned, the Spaniards got very frightened, and begged the dragoons would not leave them. I ordered different individuals of the dragoons to move in advance of the detachment, my fear being that we might fall in with a body of the enemy; and if we had timely notice of it we might retire by some cross road, or in case of extremity disperse. As fast as I sent a dragoon out of sight, he trotted off and made the best of his way to camp. Not one man staid with me but the corporal. The Spaniards, the corporal, and I arrived safely in the English out-posts. I immediately complained to the colonel, who did not punish the men, and all he did was to apply a strong expression to them, but the men were never punished. That struck me as a proof of the inapplicability of corporal punishment before the enemy; for I feel certain that if those men had committed anything like a similar irregularity in a barrack-yard in England, they would have been very severely punished.

4667. Suppose in that case those men had been punished by any other punishment, what other punishment would you have applied to them?—That comes to the question of what may be a punishment available in such circumstances. I should say, if a man commits a military crime before the enemy of a deep die, I would march him in handcuffs after the regiment; and I do think that that would frighten a man as much as anything that could be thought of, more than the infliction of corporal punishment. The mixture of danger and disgrace that would follow, I think would be very efficient.

4668. Would it not save him some danger?—Not in the situation in which men are when following a regiment before the enemy.

4669. Would you loose him from his handcuffs on the day of battle?—I would not bring him up for the sake of destroying him in battle. I would deal with him as I would with sick and wounded men, leave him with the rear guard of the regiment; there are always some descriptions of men who are not actually in action.

4670. The sick and wounded would, in all cases, be kept out of fire if possible?—Yes; it is a very common thing for the pay-serjeant of the regiment, as being intrusted with money and accounts, to be sent to the rear previous to action. Women who follow the regiments are not actually in action.

4671. Suppose the insubordination extending to a number of men, would not there be great embarrassment from having them in the rear?—No, I do not see any embarrassment which will not apply to men that have had corporal punishment inflicted upon them. If a man commits an extraordinary offence, I would put him into handcuffs, and deal with him just as I would if his back were cut to pieces.

4672. He would be kept from performing his duty?—Yes, certainly he would; and I never saw a soldier to whom this would not be the most terrible thing that could be inflicted upon

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him, and most especially if a spirit of honour was diligently kept up in the regiment. If a soldier was supposed to have done it purposely, he would never be spoken to by his comrades again; and in the case of an energetic soldier, there would be no threat that could so effectually hold him in check.

4673. Who commanded the regiment in the case you have referred to?—Colonel Harvey, a very spirited officer. On my return, when I told him what these men had done, he said, emphatically, "————damn them," and that was all. I felt with him, that perhaps that was all which, under the existing state of things, could be done.

4674. Have you never known any man in the military service taken by the provost marshal, and punishment inflicted upon him?—I have.

4675. What sort of effect has that had upon the Army?—I do not know whether a power of that kind might not be useful; because I think that the men on whom the provost marshal operates are always supposed to be in a state of vagabondism. The provost marshal does not interfere with men in the ranks under their officers.

4676. You are aware that the punishments directed in Great Britain have been punishments with hard labour or solitary confinement, would it be possible to inflict either of those punishments on service?—Certainly not on the march; it is contrary to the nature of things, except that men might be sent to a depôt in the rear for solitary confinement.

4677. The question refers to service in an enemy's country?—There they always have a communication with some depôt in the rear.

4678. Are there prisons generally, and preparations for them?—Any building may be turned into a military prison.

4679. But there must be sufficient means for employing the men or setting them to work?—The conveniences provided in civil prisons might not be within reach; but punishment may be inflicted upon the prisoners without that state of preparation.

4680. What solitary confinement, in the way in which it is exercised, could be practised in such case?—Men might be sent for confinement to the rear. That is the mode of securing disorderly men now.

4681. When you are under march, sending men away to solitary confinement might tend to induce people to avoid the danger they were liable to?—Corporal punishment equally sends them away from the field; and there are few soldiers who would not feel that if there are such men, the Army would be better without them.

4682. Have you never skulkers in the field?—Sometimes; and corporal punishment would not prevent their skulking.

4683. At all events it places them in a situation of great disgrace with respect to their comrades if the punishment has a tendency of that kind?—Undoubtedly.

4684. With respect to the effect of corporal punishment on those who witness it, are you of opinion it has not an effect by way of example?—It has undoubtedly an effect in that direction, but it has some bad effects besides. It terribly frightens young men who have just entered the Army. I have seen a recruit faint; and I should think the effect of that cannot be favourable to the service. I have seen country people collect round a man who was being corporally punished on a march, and their execrations were loud and large upon the occasion.

4685. In that case was it an offence committed on the march which required immediate punishment?—Yes.

4686. Had that immediate punishment the effect of checking the offence?—Yes, I dare say it had; but I think if that man had been seen marched in the rear in handcuffs, it would have had an equally good effect.

4687. Are you aware there are a certain number of offences for which a certain number of lashes are inflicted in the English service, for which the punishment of death would be the punishment in the French service?—Yes, I believe that is the case. And it is possible that the threat of capital punishment may, upon the whole, be operative upon the soldiers with less of death, than the habit of inflicting corporal punishment. Many men are said to die under the consequences of corporal punishment. I never was acquainted with an instance, but it has been stated that many men who undergo the punishment die ultimately in consequence. I think it would be better for the Army if a number of men, equal at least to that, were sacrificed by the direct sentence of a court martial.

4688. Has any instance of that kind, of any man having died of the consequences of punishment, come to your knowledge?—No, but the punishment is so severe, that I can credit the fact of a man's not getting over it.

4689. But that is a mere supposition on your part?—Yes.

4690. You are aware that the number of lashes now inflicted is very much restricted?—It is; but I do believe a certain number of men do die from the severity of corporal punishment, on the same evidence that I believe a certain number of men are every year capitally punished and put to death in the French service.

4691. There are annual returns of those?—There are.

4692. In referring to the number of persons on whom the punishment of death is inflicted, reference is made to the returns; but you are speaking only from general impression?—Yes, no instance ever came before me.

4693. Do you believe, knowing that a surgeon attends every punishment, that it is the fact that many men have died?—I cannot say whether many; but I think it likely that some have died. I should think it a very dangerous operation, particularly in a hot country.

4694. In order to supersede many of the corporal punishments in England and Ireland and Scotland, what measure would you propose for the more complete substitution of other punishments?—One great measure I should propose, would be a general mildness in punishment.

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As far as my experience has gone, military punishments have been on too high a scale. They irritate the men, and make them turn what are called in the Army, blackguards. A man becomes reckless, he feels that he is looked down upon by his comrades, he loses all reputation and character, and becomes desperate. I have always observed, in commanding a troop of dragoons, that I had to fight strongly against the effect of the desire of officers under me to punish in a degree higher than I thought for the good of the service.

4695. Do you look to the establishment of military prisons to contain the men, or how would you propose to carry into effect punishments which must be inflicted?—There are military prisons in all great barracks and depôts, and wherever a body of men is permanently quartered in time of peace, there can be little difficulty in making a military prison.

4696. Do you mean regular military prisons with treadmills and preparations for putting the men to hard labour, or merely places of confinement?—I believe that places of military confinement, with disgrace, and as much of solitariness as may be in the power of officers in almost all cases, would be sufficient to defeat and keep down every disposition to irregularity.

4697. What is the maximum of punishment by confinement inflicted in the Army?—There is scarcely any maximum to the punishment which may be inflicted, for the power of any ordinary officer is very great; and as to the power of courts martial, I am not aware of any limit to the extent to which they may award confinement.

4698. But beyond confinement do you look to any other punishment for military offences?—A penal depôt for desperate characters might probably be found extremely useful, and remove from the Army characters who might be prejudicial to the remainder. When a man has abandoned himself, and lost all sense of reputation, his example is prejudicial, and he is best sent out of the way.

4699. Is there any other punishment beyond that you would recommend?—No other, except such as consisted in degradation, the effect of which would be great.

4700. Do you look to transportation for instance?—Not unless there were an actual civil crime. I doubt whether transportation is a favourable punishment for purely military offences. If a soldier broke into his officer's room and stole, I would try him as if he had committed the civil offence. But for offences purely military I apprehend transportation is often rather an invitation than the contrary to a reckless man.

4701. To what extent of punishment should you go?—In an extreme case, as a case of a desperate mutiny, I should say there is no good reason why example should not be made by capital punishment. The object of an Army is to put down the enemy at the expense of life; and a man who commits a crime which destroys the essence of military force is as much an enemy as any other. In an extreme case of mutiny I should be for applying the punishment of death; but in inferior cases, minor punishments.

4702. In case of desertion from the Army in the field, what should you do?—If it was a desertion with arms and accoutrements to the enemy, that must be considered as a most aggravated case of mutiny.

4703. Take the case of desertion into the interior?—I should suppose that prolonged confinement would be a punishment quite sufficient to keep down such crimes.

4704. Short of actual mutiny do you mean to say you would not exceed imprisonment for a lengthened period?—I think the discipline of the Army might be carried on by means of imprisonment for lengthened periods, and a penal depôt for desperate characters.

4705. In the case of striking an officer or non-commissioned officer how should he be dealt with?—Those cases are generally more or less mixed up with drunkenness. It is necessary they should be put down, but I think the result would generally be, that the man would be sentenced to a lengthened imprisonment, and most likely moderated with mercy afterwards. It is a very difficult case. It is very rarely that an accident of that kind happens, except under the influence of drunkenness. The practice has been not to be very severe in such cases. I should apprehend six months' imprisonment according to the existing scale in the Army would be considered sufficient for most cases of that kind.

4706. You are understood to say that in the field, where the necessity of keeping men in the ranks as much as possible makes it desirable not to execute sentences of corporal punishment, you conceive it would be necessary still to keep the power in the provost marshal to inflict them?—On crimes involving military vagabondism I think it might. I beg to add that I have always thought there were ill consequences attached to the system of confining soldiers in civil prisons. The constant argument I have heard alleged by officers when debating on the propriety of punishing the men corporally has been this—"What would you do, you would not be sending them to gaol among felons?"—and this has acted as a check to the efforts to diminish the infliction of corporal punishment.

4707. Have not you military prisons attached to different depôts?—Yes; but when an officer is on service there is no place where he is unable to have a military prison. Every guard is in fact a military prison, even though it should be in a bivouac; and men who offend can be sent to it in the rear.

4708. Do you mean that that sort of half military prisons would afford employment, and absolutely seclude the prisoners?—Every employment which can be applied in civil prisons, might not be applicable in those prisons. It strikes me further as very important, that military punishments for the lighter crimes should not be of that nature to inflict dishonour on the soldier. I know some officers object to giving extra guards by way of punishment, because they say the guard is an honourable duty. On that very ground I should say it is desirable. In India it is very difficult to keep the men from drinking. In the regiment I was in there, any captain who brought up a man for drunkenness and inability to do his duty, could have him sent to a court martial, with the chance of corporal punishment; instead of that, I gave a direction that every dragoon found unable to stand to his horse should be taken to the guard

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house, and afterwards perform *one* extra guard. It was a common thing to give a man five or six extra guards for such faults; but I believe giving only *one* operated better. For the consequence was that I have heard the private dragoons, when I was going round, call to a comrade and say, "Here is the captain coming, there is such a man not able to stand to his horse, take him to the guard house;" now, if that man had thought that the effect of taking notice of his comrade's fault would be to subject him to corporal punishment, he would never have made himself assistant to the discipline of the regiment in that manner. But the soldiers did in this way discipline one another. They were aware that the man got some punishment; but there was no particular disgrace attached to it, the man returned to his duty the next morning in a different way from what he would if he had been sent to what is called heavy drill.

4709. When they called out, "take him to the guard house," was that said in a joking manner?—Certainly not. Their meaning was that the man should be taken to the guard house before the captain came round.

4710. Do you consider that was said by way of speaking lightly of the punishment ordered by the captain?—Quite the contrary. It arose entirely out of zeal and good will to execute the captain's orders for the good of the troop.

4711. A little self-interest because they would have had to mount guard for the man?—Perhaps.

4712. Did you find that the effect of that was to decrease the tendency to drunkenness?—I did. There was less of drunkenness. I am convinced that the troop was in as good order as any troop in the regiment; and I will not say more. Speaking on the effect of that regulation I am sure that it was good.

[*The witness withdrew.*]

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*Thursday, 9th July,* 1835.

The Right Hon. Lord WHARNCLIFFE in the Chair.

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*M. le Baron de Lostende,* Colonel d'Etat Major in the French Service, was examined as follows:

*M. le Baron de Lostende, Col. d'Etat Major.*

4713. How long have you been in the French Army?—Thirty-one years.

4714. Of that time how much of your service was regimental service?—I entered the military school in 1804, and the 75th regiment of the line in 1805. I then served in several regiments of infantry till 1813, at which period I was transferred to the *état-major.*

4715. When you joined the 75th regiment of the line was it as a private or an officer?—As an officer, a *sous-lieutenant.*

4716. Did you join as an officer in consequence of having previously been at the military school?—Yes, the pupils of the special military school always enter as *sous-lieutenans.* I joined the camp at Boulogne.

4717. How long did you serve in the rank of *sous-lieutenant?*—Two years, and three years as lieutenant, and then thirteen years captain, seven years *chef de bataillon,* and three years as lieutenant-colonel.

4718. During the time you were *chef de bataillon,* did you actually command a battalion? No, as a captain I commanded a battalion during the campaign in 1812 in Russia.

4719. For how long a time did you command a battalion as captain?—During the whole Russian campaign.

4720. Since you attained the rank of *chef de bataillon,* have you been upon the staff?—Yes.

4721. How many men does a company of infantry in the French Army consist of?—It has varied at different periods from ninety to one hundred and forty; they are now generally one hundred.

4722. When you say one hundred, do you mean one hundred soldiers only, or one hundred soldiers including a certain number of non-commissioned officers?—Soldiers and non-commissioned officers.

4723. How many non-commissioned officers are there in a company?—There is first a serjeant-major, who commands under the captain and the superintendence of the other officers. He is charged with the discipline, and is at the same time an accountant. He is the essential man of the company. Under his orders is a *fourrier* specially charged with the writing.

4724. How many simple serjeants?—Four serjeants and eight corporals.

4725. Are the corporals, properly speaking, *sous-officiers?*—No.

4726. Do the *sous-officiers* hold their situation by a warrant from the commanding officer or by commission from the King?—The *sous-officiers* are named by the colonel, who is obliged to take them upon a list for promotion [*un tableau d'avancement*] prepared for this purpose each year, at the general inspection of the corps by the inspecting lieutenant-general. He chooses from this list the names of those who have best conducted themselves, without being obliged to have regard to seniority.

4727. Is it the *chef de bataillon* or the colonel of the regiment that puts the men upon that list?—The colonel, or the commanding officer of the corps who has not always that rank.

4728. Are they named out of that list in rotation, or is it at the choice of the colonel?—At the choice of the colonel, who is obliged to place them upon the list, after they shall have fulfilled certain conditions of good conduct, of instruction, and of length of service in the inferior class.

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4729. Are the ranks of the Army filled up by conscription?—The law is that every Frenchman shall be called to serve his country at the age of twenty; nevertheless, any one who wishes to enter the service may enlist at the age of eighteen, and, having satisfied what the law requires, he is exempt from future conscription.

4730. Are there any exemptions from that law of conscription?—At the commencement of each year all the young men who have completed twenty years on the 1st of January in the said year are called together at the chief place in the canton, where they draw a number by lot, according to which they are classed upon the list of the conscription. These young men then pass in the order of their numbers before a council of revision, which rejects those who, by infirmities or defective form, are improper for the service. It also exempts, according to the law, those who find themselves in certain positions in regard to their family, such as the eldest son of a father who is blind or upwards of seventy years of age, the eldest son of a widow, the eldest brother of orphans, the second brother of a soldier already serving. (See upon this point the Law of Recruiting of 21st March, 1832.) The council of revision classes in the list of the contingent to be furnished by the canton, always according to the numbers of the drawing, those whom it declares fit for the service and having no claim of exemption. When the contingent assigned to the canton is complete, the council declares exempt by their numbers all the young men whom it has not even examined. As soon as a conscript makes a part of the contingent, he may buy a substitute, (*remplaçant,*) who is admitted by the council of revision, if he possesses all the conditions of fitness required by the law. Thus the French Army is composed, 1st, of those voluntarily enrolled; 2dly, of those called by the law conscripts; and, 3dly, of substitutes (*remplaçans.*)

4731. In what proportion are the volunteers who enrol themselves, to the *remplaçans,* in the Army?—The number of volunteers varies exceedingly; it increases greatly when there is an expectation of war. The number of substitutes is also very variable; it is larger in the richer departments, and it is smaller in the poorer departments; it varies from about one-fifth in the richer to one-tenth in the poorer departments.

4732. In time of peace, what is the general sum paid for a substitute?—For the infantry it is about 1,200 *francs,* that is £48. For the special arms of the service, as it is necessary that the substitute should be the size of the man for whom he serves, it is more, it ranges from 1,500 to 1,800 *francs.*

4733. After the conscription is made, are the conscripts sent to a depôt, or are they sent directly to the regiments?—To the regiment, under a recent order from the Minister at War, who prescribes the period of their marching, and the number of men who should join ordinarily in time of peace; one half in the order of the numbers is left in reserve at their homes.

4734. There is no selection made from those men as to particular arms of the service?—The men definitively inscribed upon the contingent by the council of revision are posted to the different arms of the service by the recruiting captain (*capitaine de recrutement*) of each department, according to the qualifications of height and conformation required by those arms. A schedule, from the Minister at War before the conscription of each year, fixes the number of men that each department will have to furnish to each arm of the service, and designates the regiments in each case to which the men will be attached. The first numbers belong to the marine.

4735. Do any of the conscripts go to serve in corps that are especially intended for service on board of ships?—We have not constantly troops embarked on board our vessels. There are, in fact, only two regiments of infantry called marine, destined for service in the colonies. The conscripts on board our ships of war are at the same time sailors, cannoneers, and soldiers, forming what we call the equipage of the line. In arming a ship, we add to these a certain number of registered sailors (*matelots des classes*), for so our merchant seamen are called; they are registered and classed upon a list at each sea-port.

4736. Does that manner of filling up the ranks of the Army bring into it a considerable number of persons of good education?—A great many; and it is that which enables us to give so many commissions to the non-commissioned officers. The law assures to the *sous-officiers,* a third of the vacancies in the rank of *sous-lieutenant,* and in fact, they obtain a larger proportion of them, particularly in time of war.

4737. Are the conscripts who are persons of better rank and condition of life treated precisely in the same way, when they become soldiers, as the men of a lower class?—Exactly the same. It is good conduct and intelligence which alone give a right to promotion.

4738. Do they live in the same barracks?—There is not the least difference.

4739. Is there any preference given to such persons with respect to their being inscribed upon the list for promotion?—It is only those on the list that can be advanced, and from that list only those can be selected that have most merit.

4740. How many years' service does the conscription impose?—Seven years.

4741. Have they the power of re-engaging themselves at the end of seven years?—It is not a right, but it is a permission, because if a man does not behave well, he does not receive a certificate of good conduct, and then he is not permitted to re-engage himself.

4742. Supposing they quit the service at the end of those seven years, do they receive a pension, or any civil advantages whatever?—No recompense is due to them for having fulfilled a duty imposed by the law, except in the case of a wound received in the field of battle.

4743. Do they frequently re-engage themselves at the end of seven years?—If there is a probability of a war soon, they will re-engage in the service, but if there is no probability of war, they return to their families.

4744. Are they quickly promoted to be *sous-officiers?*—The law of promotion, 14th April, 1832, permits a soldier to be named corporal after six months' service, a serjeant after ten months' service in the rank of corporal, a *sous-lieutenant,* after two years in the rank of *sous-*

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*officier*, a lieutenant after two years as *sous-lieutenant*, a captain after two years as lieutenant, a *chef de bataillon* after four years as captain, a lieutenant-colonel after three years as *chef de bataillon*, a colonel after two years as lieutenant-colonel. Above this rank, the law requires at least three years in each rank before promotion to a superior commission can be granted. These periods are diminished one half in time of war, and can be still further reduced on the occasion of any gallant action, or from the necessities of the service. But in time of peace there is scarcely any instance of a soldier obtaining rank quicker than the law permits.

4745. Does the hope of promotion induce the *sous-officiers* to re-engage themselves after the first seven years?—Those who feel that they have any chance of promotion re-engage themselves.

4746. After they attain the rank of *sous-lieutenant*, how high can they go in the Army in consequence of length of service?—The rank of *sous-lieutenant* is only obtained by choice, not by length of service. The two-thirds of *sous-lieutenans* are created lieutenants according to length of service, and the same proportion for the lieutenants to become captains. One half of the vacancies in the rank of *chef de bataillon* are given to captains according to seniority, but beyond the rank of *chef de bataillon*, length of service gives no right, all advancement being then made by choice. Up to the rank of captain, the promotion takes place in the regiment, but to become a superior officer the candidate is selected from that particular arm of the service without reference to the regiment. In time of war, seniority gives a right only to half the vacancies of lieutenant and captain, and none at all to those of a superior class.

4747. You distinguish military delinquencies into three classes, *fautes*, *délits*, and *crimes*?—Yes; faults (*fautes*) against discipline incur a disciplinary punishment (*peine disciplinaire*), which can be inflicted by *sous-officiers* and officers of every rank upon their subordinates. Offences (*délits*) are met by a correctional punishment (*peine correctionnelle*), and crimes by ignominious punishment (*peine infamante*). These two last descriptions of punishment can only be inflicted by councils of war.

4748. With respect to the first class, can an officer or non-commissioned officer punish a *faute* upon the spot without reference to the commanding officer?—Yes, under a limit prescribed by the military regulations.

4749. What is that limit?—A corporal can inflict four days' confinement to the barracks, or two days' confinement under lock and key, and sleeping on the boards at night. This last punishment is called *salle-de-police*.

4750. Can a corporal order that punishment without reference to the commanding officer of the battalion or company?—Yes, he inflicts the punishment, and then reports it.

4751. How soon is he obliged to report that punishment to the commanding officer?—As soon as he can.

4752. And the punishment takes place unless the adjutant or the commanding officer orders the contrary?—He cannot countermand it. The colonel alone has the right of changing any punishment inflicted by any inferior officer, but the colonel never does it without calling before him the officer who ordered it, and he always directs any alteration or remission of the punishment through the officer who originally ordered it.

4753. Can he augment the punishment?—Yes, he can. The punishment which can be inflicted by the officers and *sous-officiers* of the different ranks are graduated and determined by the regulation of 2nd November, 1833, upon the interior discipline of corps. The colonel alone has the right to inflict the maximum, and also of augmenting the punishments inflicted by other ranks.

4754. Have the serjeants greater power in awarding those punishments than the corporals?—Yes, they have double the power. They may order four days *salle-de-police*, and eight days of confinement to the barracks.

4755. What power has the serjeant-major?—The serjeant-major has the same power in his own company as the non-commissioned adjutant and cornet have, namely, the power of inflicting eight days of *salle-de-police*, and fifteen days' confinement to barracks.

4756. What description of delinquencies are classed under the head of *fautes*?—Negligence, disobedience, missing a roll-call, dirtiness, and drunkenness.

4757. With respect to disobedience, if for instance a man refuses to perform his duty?—If a man refuses to execute an order it then becomes a *délit*.

4758. Supposing a man refuses to obey an order, and at the same time insults the officer who gives the order, what is that offence considered?—If a soldier refuses to obey an order, accompanied with insulting language, it is considered a *délit*, and he is liable to be called before a *conseil de guerre*. If he was to strike a superior, it would come under the head of *crime*.

4759. If a man is repeatedly in the habit of getting drunk, are those repetitions considered as *fautes* or *délits*?—Repeated faults (*fautes*) against discipline do not constitute an offence (*délit*); but a corporal or a non-commissioned officer who should be guilty of them could be broken and reduced to the ranks. Those soldiers of bad habits for whom the ordinary discipline is insufficient are brought before a *conseil de discipline*, who have the power of transferring those men to discipline or punishment companies.

4760. How is that *conseil de discipline* composed?—The *conseil de discipline* for privates is called together by the commanding officer of the regiment, and it is composed of one superior officer and six officers of inferior rank.

4761. Are there any *sous-officiers* in those courts?—No.

4762. Does the commanding officer himself preside at those courts?—No, the officer who makes the complaint or assembles the court cannot form a part of it.

4763. Then when the court has passed its sentence who approves or disapproves of it?—The *conseil* does not pronounce any sentence; it merely gives an opinion, which is to be confirmed by the lieutenant-general commanding the division. He makes the decision and reports it to the Minister of War.

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4764. Then, till it is approved by the Minister of War, the sentence is not put into execution?—It is executed immediately by order of the lieutenant-general.

4765. In cases of offences (*délits*), how is the *conseil de guerre* composed?—At present there are only permanent *conseils de guerre* in each division, composed of seven judges. A colonel, or a superior officer presides, assisted by one major, or *chef de bataillon*, two captains, one lieutenant, one *sous-lieutenant*, and one *sous-officier*. There is besides a captain-reporter (*capitaine rapporteur*), whose duty it is to take information, and who in fact directs the prosecution, and there is also a captain *commissaire du roi*, whose duty it is to watch over the forms. After the evidence has been heard, the court retires to deliberate upon the sentence, at which deliberation no other person is present but the *commissaire du roi*. The question is then put, whether the person charged has committed the offence charged, and then the *commissaire du roi* points out the punishment applicable to the offence, and calls upon the court to pass a sentence to that effect. Against this sentence the *commissaire du roi* may appeal, if he thinks that the offence is of a more serious nature than it has been considered by the court.

4766. In case of any informality in the procedings, has the *commissaire du roi* equally a right by appeal to have the sentence referred to a court of revision?—Yes, within twenty-four hours, in case the prisoner is acquitted, and forty-eight hours in case he is condemned.

4767. The accused has twenty-four hours to consider whether he will appeal to the court of revision?—He has.

4768. In extreme cases, where the sentence is death, can he appeal?—In every case of condemnation; but the council of revision does not decide upon the merits of the question, it only annuls the sentence of the council of war on the following grounds: 1st, for incompetency; 2dly, on account of defect of form; 3dly, for a false application of the punishment to the offence, of which the council of war has pronounced the accused guilty. In case the sentence is annulled, the cause is carried before another council of war.

4769. Are all the punishments that are put in the soldier's book always inflicted when a man is found guilty of the crimes to which those punishments are attached?—No, because in certain cases the law allows of the mitigation of the punishment, should there be any extenuating circumstances, and because even when the law does not allow of any mitigation, an appeal may finally be made to the royal clemency.

4770. Are the gradations of crime and of punishment inserted in the soldier's book?—They are not all in the soldier's book, but all that the law permits are inscribed in the law.

4771. It appears from the soldier's book, that insult by an inferior to a superior, with blows or violence, is punishable with death,—is that offence always punished with death?—If the court decide that that crime has been committed, the punishment must be inflicted; but in order to avoid inflicting the punishment of death, it often happens that they come to a decision that he has been guilty of the insult, but without violence.

4772. Suppose a man has insulted his corporal with violence, but that the court come to a decision that it was an insult without violence, what punishment is inflicted?—The punishment for insult, which would be a certain number of years in irons at the galleys, but that has been considered too severe, and a recent order directs the suspension of the execution of sentences of this nature, and desires that report may be made to the Minister of War, who, if there is ground for it, obtains from the clemency of the King a commutation of the punishment.

4773. In the list of punishments there are many *délits* which have attached to them the punishment of imprisonment for a certain time. Are there cases in which that punishment is commuted or diminished?—The King has the power of pardoning or of commuting or diminishing the punishment, but not of augmenting it.

4774. Amongst the punishments in this list there is one called "prison" for a certain time; what is that punishment of prison, is it a punishment in a military prison or in an ordinary prison?—It ought to be a military prison, but as there are very few districts which have military prisons there is a separate quarter in the ordinary prisons for military prisoners.

4775. Has it been thought advisable that military prisons be established in every district if possible?—Yes, to have a sufficient number to be able to confine them entirely in military prisons.

4776. Have you found much inconvenience from sending soldiers to the common prisons?—Certainly, whenever such a man returns to his corps it is found that he is the worse for the intercourse which he has had with the common prisoners.

4777. Do they labour in the prisons?—Just now those that are sentenced for less than a year's punishment are put into what are called *maisons d'arrêt* where there is no labour; but if it is more than a year they are put into prisons where there is labour.

4778. There is in the book a punishment called military degradation, what does that mean?—A man who is condemned to that punishment, whether he be an officer, or a private soldier, is conducted before the assembled troops, and it is there said to him, "You are unworthy to carry arms, and you are degraded;" then he is stripped of all his decorations and every mark of distinction. If he is an officer his sword is broken, and if a serjeant any marks upon his dress are destroyed, and if a soldier his uniform is taken off and torn to pieces before him, and he loses all right to pension which he may have acquired from previous service. He cannot afterwards fill any civil or military office, and further, this degradation is always accompanied by confinement in prison, and followed by the *surveillance* of the police.

4779. Is common confinement in prison considered an infamous punishment?—No, it is not; the man returns to the service after the expiration of the punishment, but the period of his confinement is not counted as service.

4780. How is the punishment of the boulet inflicted?—It is a kind of labour harder than the public labour. There is a ball fixed by a chain round the body, the man has a particular

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dress, and he is employed at public works of utility. This is not considered an infamous punishment. It cannot be less than five years, and it may be extended to ten.

4781. Are there many of the offences that are contained in this book that would be punished with death or heavy punishment in time of war that are visited by mild punishments in time of peace?—Yes, a great many, the restraints of discipline must be more attended to in time of war than in time of peace.

4782. In point of fact are the punishments of death more frequent under the circumstances of an Army in the presence of an enemy than they are in times of peace?—Naturally they are; but even then they are very rare. I have known men punished for a conspiracy to desert, followed by actual desertion of many individuals, in which cases the leader of the conspiracy was the person who suffered; and sometimes, but rarely, the same punishment was inflicted for pillage when accompanied with violence towards the inhabitants.

4783. If the leader is not known, who is punished?—The one amongst them who is superior in rank, and if there is no superior in rank the one who has been longest in the service or the most advanced in age. I have known it in cases of pillage, but very rarely, because in general the French soldiers are not pillagers. But when there is nothing to be had at the Army it is necessary they should get something to live upon, and that brings with it the probability of other offences.

4784. Is not the punishment of death sometimes inflicted for striking an officer in time of war?—Yes, and even in time of peace; but there is a recent *ordonnance* that the execution of every capital punishment in time of peace shall be postponed till it has been reported to the king.

4785. In the case of an offence of a civil nature committed upon the property or persons of civilians, is the soldier tried by the civil courts or the military courts?—If a soldier and a civilian are accomplices in the commission of an offence, then it is tried by a civil court; but if one or more soldiers, without civilian accomplices, commit an offence, though it be a civil offence, such as theft or any other offence towards an inhabitant of the town, he is tried by a court martial.

4786. In this list of offences there is what is called "*double paye*." What does that mean?—It means obtaining payment fraudulently a second time.

4787. It is to be punished by "*destitution et amende*." What is *destitution?*—It is the loss of rank; but it is not an infamous punishment like degradation. *Destitution* applies only to the commissioned officers.

4788. There does not appear to be among the list of offences—drunkenness?—It is not a *délit*. It is a bad habit, and it leads to other offences, but it is in itself simply a *faute*.

4789. In what manner is it punished if a man is frequently drunk?—First of all they try to correct him by minor punishments, and if he is incorrigible he is sent to a company of discipline, under the recommendation of a council of discipline.

4790. Is drunkenness frequent amongst the soldiers?—Yes, particularly among the men that come from the provinces in the north, and above all, among the substitutes.

4791. Do you find that drunkenness leads to most of the other offences that are committed by the soldiers?—Generally so, particularly to offences against discipline more than to crimes.

4792. Does it lead to insults to the officers and non-commissioned officers, both with and without violence?—Yes, very often.

4793. What is the drink with which the French soldiers generally are in the habit of intoxicating themselves?—Wine.

4794. Do they often do so with brandy?—Seldom. Sometimes among the garrisons in the north, where wine is very dear, they drink brandy; but, generally speaking, the liquor they use is wine.

4795. Are those crimes of insubordination and insult against the officers frequent in the French Army?—They are very rare against the officers, and even against the *sous-officiers*, but more frequent against the corporals. But altogether they do not amount to one-tenth of the offences that go before the *conseils de guerre*. The most frequent crimes are, first, the sale of necessaries, and then theft.

4796. Do all the officers in the regiments in the French service mess together?—They ought to mess together according to their ranks, the superior officers at one table, the captains at another table, the lieutenants and sub-lieutenants at a third table; but where they are not so numerous the lieutenants mess with the captains, and sometimes when the commanding officer is alone, with a very few officers, he messes with them.

4797. Do they live at the different *traiteurs*, or how is that managed?—Almost always in the inns.

4798. Are those inns specified by the commanding officer?—They are rather authorized than specified by the commanding officers. They are all subject to the inspection of the lieutenant-colonel.

4799. How do the *sous-officiers* mess?—They ordinarily mess at separate tables. The adjutant *sous-officier* and non-commissioned officers at one table, the serjeant-majors at another, and the serjeants at a third.

4800. Do the *sous-officiers* ever dine with the officers?—No; an officer may invite his friend sometimes to his table, but it is not a habit, and it could not be general.

4801. In no case is a *sous-officier*, or a commissioned officer, allowed to strike a man?—Never, except in his own defence, or in the defence of another person, or in the presence of an enemy to prevent flight, pillage, or theft. It is not expressly authorized in those cases, but in those cases it would not be considered any offence.

4802. In time of peace, an officer striking a soldier would commit an offence for which he would be actually punished?—Certainly; he would be liable, according to the gravity of the

case, to imprisonment, to the loss of his employment after the opinion of a council of discipline, and even to the loss of his rank, under the sentence of a council of war.

*M. le Baron de Lostende, Col. d'Etat Major.*

[*The witness withdrew.*]

*M. Louis François Brès,* Officier Supérieur d'État-Major, à Paris, was examined as follows:

*M. Louis F. Brès, Officier Supérieur d'Etat Major.*

4803. You are a superior officer of the staff?—Yes.

4804. How many years have you served?—Twenty-six years. I entered as a conscript, was a *sous-officier* at the end of one year, and an officer at the end of three years. After five years' service I was a captain commanding a company in the Imperial Guard, and I have been for seventeen years a superior officer of the *état-major.* During my services I have made the campaigns of Prussia, of Russia, the retreat from Moscow, and the campaigns of Germany and of France. I have been three times wounded, twice by musketry, and once by a lance.

4805. At present what office do you fill?—I am intrusted, first, with the direction of military justice at Paris; secondly, I am reporter of the superior council of revision; and, thirdly, commandant of the military penitentiary.

4806. Are there military prisons established in all the military districts of France?—Not in all. There are thirty-four exclusively military prisons, and eighteen civil prisons in which military offenders are provisionally received.

4807. Are those prisons conducted under the superintendence of officers and non-commissioned officers?—They are under the exclusive superintendence of the military authority of the place where they are established.

4808. Are the *employés* in those prisons all military men?—All military; they consist solely, first, of a chief gaoler (*concierge chef*); secondly, of his clerk or registrar (*greffier*); and, thirdly, of turnkeys (*gardiens-porte-clefs*).

4809. Are the persons confined in those prisons subject to any military duty or drill during the time they are in those prisons?—No.

4810. Are they employed in public works or labour of any description?—They do not labour, but places for that purpose are projected, and one is actually built at Paris. This prison, which is called the Military Penitentiary, is about to be transferred to the castle at St. Germain's, which will contain about five hundred men, and this number is reckoned to be one-fourth of those condemned to such punishment.

4811. Then it is the intention of the French government to establish military penitentiaries throughout France?—The government intends to have both military and civil penitentiaries, but they begin with those for the military. There are to be five penitentiaries to contain about two thousand men.

4812. Are there to be any places for solitary confinement in those prisons?—Each prison will have cells like the penitentiaries of America, with this difference, that the work-rooms will be in common, according to the system of the Auburn Penitentiary in America; that is, that the work of each sort will be executed in common during the day, but the night will be passed in solitary confinement.

4813. To those penitentiaries is it intended to send persons who are sentenced to prison or to infamous punishments?—Only for the purpose of correction. The men who are sentenced to infamous punishment cease to belong to the Army. Still those condemned to death or to irons, whenever those punishments have been commuted by the king, may be admitted to the penitentiary, and will be continued in the muster-rolls under the title of absentees.

4814. So that a man who is sent for a number of years to the galleys does not join his regiment again?—Never; he becomes unworthy of wearing a French uniform.

4815. In fact, those prisons are intended for soldiers who are to return to their corps?—When the punishment is ended, they return to their regiment, being supposed then to have expiated their crime. During the period of their imprisonment their names are kept upon the muster-roll in a separate column, and marked as absent. Moreover they retain with the corps their individual account of the *masse,* that is to say their supply of linen, shoes, &c.

4816. Are they counted in the effectives of the corps or amongst the supernumeraries?—They are counted among the contingent; but as absent. When they return to their regiments they appear anew as present and effective men.

4817. In the penitentiary at St. Germain's what has been the effect of the confinement upon the soldiers that have been sent there?—In establishing the system we must consider two important results that were anticipated from it—the amendment of the men, and the economy of the public money. With regard to the latter, the gain has been actually more than one half, those imprisoned according to the penitentiary system not costing more to the State than about eighty *francs* a-year each, while those in other prisons cost more than two hundred *francs.* As to the moral effect produced, it is easy to conceive that men, in solitary confinement all the night and working all day long, come at length to renounce their criminal intentions and take up habits of order and regularity. These were the great advantages which were reasonably anticipated from the establishment of military penitentiaries. The two chambers and the ministers are quite agreed to give a great extension to this system.

4818. What description of officer is at the head of that prison?—Myself; I am the superior officer in command there.

4819. What establishment have you under your orders?—The establishment at St. Germain's is not at present finished, it is now at Montaigu, and will be transferred to St. Germain's when the castle is fitted for this purpose which is expected in two months.

4820. When this change takes place, what will the establishment at St. Germain's be?—It is intended to receive five hundred prisoners, and it will be commanded by a superior officer, who will have under his orders a subaltern officer in the quality of second; besides these a

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director of the works and an officer to keep the accounts. I have the *ordonnance* relating to the subject which I shall be happy to offer to the Commissioners.

4821. Are the persons employed in it all military men?—Yes, and with an assimilation of ranks to the military ranks.

4822. How is it intended to dress them, is there to be a uniform for the prison?—There is a uniform for the prison.

4823. Is it intended that they should be without any practice with arms of any sort, and without any marching during the time they are confined in those prisons?—According to the present regulations they are not subject to any military exercise whatever. This however I think erroneous, and I purpose soliciting a change in this respect; for men who still belong to the Army ought not to be allowed to forget its habits, and it appears to me that it would be useful to recal them to the use of those habits by exercising them at least on every Sunday, which will occasion no diminution of work but will employ to advantage the leisure hours of that day.

4824. What species of work is it proposed that they should do?—Every sort bearing a relation to the principal wants of man.

4825. Is the produce of the workshops sold?—The labour of the prisoners is submitted to public sale. All solvent manufacturers may attend at this sale. It is considered advantageous for the establishment that the bargain should be made, not upon the article manufactured, but upon the price of the daily labour of the man, which is commonly fixed at one *franc*. I think it would be preferable that the establishment should manufacture for the State, and particularly such articles as are used in the Army, as is the practice in Holland, Belgium, and Austria; and it is my intention to propose this to the Government.

4826. Where are the companies of discipline quartered?—In different places, particularly in those where there are the strongest garrisons.

4827. How many are there?—Twelve.

4828. Consisting of how many men each?—The origin of the companies of discipline dates from the year 1818,—there were only ten of them at that time, and containing each from one hundred and fifty to one hundred and eighty men.

4829. Will you have the goodness to describe the nature of the companies of discipline, and the object for which they were instituted, and what results have attended them?—The institution of these companies was intended to disembarrass the regiments of such men as had not committed offences (*délits*) falling within the jurisdiction of a *conseil de guerre*, but whose faults (*fautes*) were often repeated, and whose drunken habits had resisted all the corrections of ordinary discipline. In short, the companies of discipline may be considered as a last effort to retrieve soldiers deemed incorrigible. These companies have been augmented in establishment and increased to twelve in number, five of pioneers (where the worst characters are received) and seven of fusileers. They are disciplined both as soldiers and as labourers. Their pay is the same as that of the infantry, and their uniform is peculiar to themselves. The officers and non-commissioned officers who command them have the pay of the higher rank, and enjoy some other advantages. They are chosen from amongst the firmest and most energetic men of the Army. But it must be confessed that this institution has but ill answered the objects which were anticipated from it, for it is seldom that men return reformed from the companies. They generally become hardened there, and are, in fact, the dread of the corps (*un effroi pour les corps*) to which they are restored.

4830. After how many years' service in the French Army is a soldier entitled to a pension?—Thirty years, the same for all military men, from the drummer up to the general.

4831. What proportion does the amount of the pension bear to the payment he receives while in the service?—The pensions are founded on different principles. For example, the pension of a private and non-commissioned officer would be very nearly as much as his pay, as he receives so little. For a *sous-lieutenant*, lieutenant, and captain, it varies from a half to three-fourths; for the superior officers, the pension varies from two-fifths to three-fifths; for the general officers, it is from one-third to a half. However, the law of the 11th April, 1831, has established a *tarif* from which the government cannot deviate. I have this law, which I would beg leave to present to the Commission.

4832. Are there any distinctions in dress or otherwise given to soldiers in the French Army in consequence of length of service?—At the end of seven years they have a chevron on the left arm, which entitles them to an additional pay of from one halfpenny to about three-farthings a-day.

4833. Can they have an additional chevron for any further period of service?—At twelve years they get another, and at fifteen they get a third. They have also an increased pay with each additional chevron.

4834. Are those chevrons given without reference to good conduct?—Entirely, it is nothing but a mark of length of service.

4835. Can they be deprived of those marks by the commission of any fault?—They cannot be deprived of any part of their pay in any case.

4836. Therefore that distinction is more as marking the right to receive additional pay than any distinction of honour?—Yes, it is for the pay.

4837. Is the legion of honour given to private soldiers?—In the French Army, there is an entire equality from the drummer up to the marshal of France, as far as the rights and duties of each go.

4838. For what service or upon what account is the distinction of the legion of honour given to privates?—The legion of honour is given to the soldier upon the same principle that it is given to the officer, that is for a gallant action in time of war, or in the field; and in time of peace for a very distinguished course of good behaviour, always with the condition of twenty

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years' service; for instance, when a soldier gives a remarkably good example of regularity and zeal, or that he generously exposes his life either in putting out a fire, or in suppressing a riot, or performs any action of remarkable bravery.

4839. When the soldiers receive the legion of honour, are they proud of the distinction?—They are more than proud, they are transported, they are in raptures. Here I can speak from my own experience. The happiest day of my military life was that on which I received the decoration from the Emperor Napoleon on the field of battle.

4840. Are there many that receive it now?—Extremely few in the Army, inasmuch as soldiers seldom fulfil the necessary conditions. It is an immense honour to a soldier.

4841. Is there any additional pay for the legion of honour?—Yes, two hundred and fifty *francs* a year for the privates and non-commissioned officers. The law which established the legion of honour granted the same pension to the officers and to all its other members, whatever might be their quality or situation of life. But on the restoration in 1814, the pension was reserved only to the non-commissioned officers and privates.

4842. He wears a cross and a riband?—Yes; and it is the same for the president of the council of ministry, the peer of France, the general in chief, (unless these possess rank in the order,) as for the drummer. The ranks in the order are

1st. Chevalier.
2d. Officer.
3d. Commander.
4th. Grand-officer.
5th. Grand cross.

It must be observed that the non-commissioned officers and privates can be only chevaliers in the order.

4843. Can he be deprived of that honour?—He can be deprived of it only by the decision of a court martial sentencing him to an infamous punishment. In that case he is dismissed from the Army. The pension which is attached to the legion of honour cannot be seized by his creditors under any circumstances.

4844. Can he sell it?—This would be disgraceful, and would expose him to contempt, if not to legal condemnation.

4845. When the soldiers come out of the penitentiary and return to the regiments, how are they received by the other soldiers?—At present there are very few such instances, because the penitentiaries are only just commencing.

4846. With respect to furloughs, have the French soldiers a right to furlough, or what are the regulations upon that subject?—Every year an *ordonnance* of the king regulates the number of six-month-furloughs which may be granted. This *ordonnance* is always grounded on the numerical amount of the Army compared with the demands of the service.

4847. When they are upon furlough do they receive their pay?—The pay is divided into three parts; the first, is for their food, the second constitutes their pocket money, and the third called the *masse* supplies their linen, shoes, &c. This last is alone preserved to them; it amounts to ten *centimes* a-day for the infantry and fourteen *centimes* for the cavalry.

4848. You have heard the evidence given by Colonel the Baron de Lostende, have you any remarks to make, or can you give the Commissioners any additional information upon the subjects that were referred to in that evidence?—I consider it a duty to enter into the views of the Commission, and shall esteem myself most happy if I can meet its expectations by offering any observations which may prove useful. In the first place, I shall observe, that four principal laws essentially constitute the organization of the French Army: the first of these is that of 21st March, 1832, on recruiting; the spirit and the principles of this law are to create an Army completely national, in recruiting to it all young Frenchmen, without distinction of rank, or fortune, or situation, and in full enjoyment of their civil rights; it admits also of voluntary enrolments and of substitutions (*remplacemens*). In my opinion, this is a misfortune which experience has fully demonstrated, for nearly all our military criminals belong to those two classes of volunteers or substitutes. The proportion, as compared with conscripts or young soldiers, is about five-sixths; but I will give in a numerical table to the Commission. But the law, in admitting substitutes, yielded, I conceive, to necessity, that is, to the necessity of favouring families where the sons had adopted particular studies, and were destined to different professions, such as the magistracy, commerce, the arts, &c. Had not this strong motive existed, the law would have excluded both volunteering and substitution, preserving only the system of drawing by lot. The second of these laws is that of promotion, dated the 14th April, 1832, with the law on the state of officers, of the 19th May, 1834. These regulate the position of military men of all ranks throughout their entire career. Every one will find there his duties and his rights set forth. Each, in fulfilling the former of these with zeal, fidelity, and perseverance, and without any external aid, is sure of acquiring the latter, and may attain even the highest rank in proportion to his talents, and in reward for his services. The third is the penal law of the 13th and 21st *Brumaire*, 5th year of the republic; to which may be added, to complete this division of the subject, 1st, the law of the 4th *Fructidor* of the same year, regulating the sentences that may be passed upon generals or superior officers; 2d, that of the 18th *Vendemiaire* of the 6th year, which creates a council of revision, and a second council of war for each military division; and 3dly, that of 27th *Fructidor*, following, which prescribes the powers of the councils of war. I must here observe, that an infinite number of the acts of the republic, of the empire, and of the restoration, as, for instance, the decree of the 19th *Vendemiaire* of the 12th year, qualified by the *ordonnance* of the king of 4th February, 1816, upon desertion, and the law of 15th July, 1829, upon theft, have modified in various respects the original law; and that the French government is now seriously engaged in preparing for the chambers a new penal code for the Army. This law of *Brumaire* is characterized, first

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by the severity of its punishments, and secondly, by its inflexibility, which does not allow the judges any latitude in mitigating or graduating the application of these punishments. These two vices, perhaps rendered necessary, by the critical situation of the republic at that time, the government proposes to remove, by a new law, more in harmony with our actual condition, and which will confer on military courts the power of mitigating or increasing the punishment according to their appreciation of the less or greater delinquency of the offender submitted to their judgment. The fourth law, that of the 11th April, 1831, is the concluding of the service, it regulates the pensions on retirement. This law has much ameliorated the condition of all military men who retire from the service after the honourable discharge of the duty they owe to their country.—It provides for the necessities of all, from the private to the general. It is grounded upon public justice and national gratitude. It proceeds neither in partiality nor in rigid exaction. In fact, by it, the man who has devoted thirty years of his existence to the service of the state (thirty years under the colours are the first condition of the right to pension) has sufficiently discharged his debt to his country, and yet is still of an age, the pension being commonly acquired at fifty years of age, to enjoy all the comforts of life. Several regulations of the military administration set forth more fully and explain the details of these principal laws, but I do not propose to occupy more time in particularizing them. It will be sufficient to say, that they are all drawn up in the spirit of the law from which they derive their origin. In conclusion, I beg to say, that the military code in France, such as it is at present, is consecrated by the approbation of the country, it enters into its sympathies, it satisfies its wishes, and waits for its full perfection only the enactment of the law now presented to the Chambers for the definitive organization of military jurisdiction. If there are any further questions to be put, I shall be eager to answer them with the same sincerity, being entirely at the disposal of the Commissioners.

[*The witness withdrew.*]

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*Thursday, 16th July,* 1835.

The Right Hon. Lord WHARNCLIFFE in the Chair.

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*M. le Baron Louis Aimable Bertrand,* chef de bataillon in the French Army, was examined as follows:—

*M. le Baron Louis A. Bertrand, Chef de Bataillon.*

4849. What is your rank in the French Army?—An officer of the legion of honour, and *chef de bataillon* in the 64th regiment of the line.

4850. Where is your regiment now?—In the garrison of Colmar, in the department of the Upper Rhine.

4851. Is the whole regiment together?—The regiment is divided into three garrisons; the second, which I command, is at Colmar, the first is at Neu Brisac, and the third with the depôt, &c., is at Belfort.

4852. As *chef de bataillon,* have you the command of the battalion independent of the lieutenant-colonel of the regiment?—No, the colonel has the command of the whole regiment and the lieutenant-colonel during his absence; and each *chef de bataillon* has the command of his own battalion.

4853. When the battalions are separated, does the discipline of the battalion depend upon the *chef de bataillon,* or does it depend upon the lieutenant-colonel?—It is under the immediate superintendence and the responsibility of the *chef de bataillon,* and when he is detached he has the same power as the colonel.

4854. What age were you when you entered the service?—Sixteen years.

4855. Did you enter the service as a conscript or as a volunteer?—I was a pupil at the Special Military School.

4856. Did you join the regiment as a private soldier, or as a *sous-officier?*—Being desirous of serving the campaign in Portugal in 1808, I left the school to join the regiment which my father commanded, as serjeant.

4857. Then, in point of fact, you never were a private soldier?—Never.

4858. As *sous-officier,* were you lodged with the men in their quarters or barracks?—Entirely.

4859. Did you sleep in the barrack-rooms?—The *sous-officiers* have separate rooms, when there are any to spare, but always near their companies.

4860. Do you mean that the *sous-officiers* have one common room, or that each *sous-officier* is separately lodged?—All the *sous-officiers* of the same company, with the exception of the serjeant-major and *fourrier,* keep together in one room.

4861. When you speak of the *sous-officiers,* you do not mean corporals?—No, we understand by *sous-officiers,* the adjutant non-commissioned, the serjeant-major, the *fourrier,* who is in fact the clerk of the serjeant-major, and the serjeants.

4862. How many serjeants have you in the company?—Four in a company.

4863. When you joined the regiment, were there many of those *sous-officiers* who had actually been private soldiers?—All, with the exception of myself.

4864. And men who had been brought into the service by conscription?—Yes, all young men that had come there either under the conscription or as volunteers, and there were some who had entered the service as substitutes.

4865. Did the proportion of those who had entered the service as substitutes bear anything like an equality with those who had either been conscripts or volunteers?—There were about one in thirty of substitutes.

*M. le Baron Louis A. Bertrand, Chef de Bataillon.*

4866. Have you found that the substitutes were in general men more difficult to bring to discipline than the volunteers or the conscripts?—Infinitely more; they are the worst class in the regiment.

4867. When you say they are the worst class in the regiment, what are the offences that those men are more addicted to than the other description of soldiers?—They are men who are more wanting in the point of honour than the others. They are more given to drink and to idleness; they are more frequently absent from muster; and, with regard to subordination in general, they are much more frequently in fault than other soldiers.

4868. From what description of persons are the substitutes generally taken?—They are men without any employment, persons that are ill-behaved in their towns and villages; but there are some exceptions, men that sell themselves for the support of their family, or to create for themselves the means of future support.

4869. About what sum of money do the substitutes get?—That depends upon the number of years they have to serve for the man whose place they take.

4870. Suppose they have to serve seven years?—From 1500 to 2000 *francs*, that is about from £60 to £80.

4871. Do the substitutes often re-engage themselves after the period for which they originally engaged is completed?—They are at liberty to re-engage themselves if they choose, but they generally leave their regiment to sell themselves in some other.

4872. Are there more of those substitutes in the ranks of the French army in the time of peace than there are in the time of war?—In time of war they are less frequent, because they are much more expensive. Under the empire, men have been known to obtain 20,000 *francs*, £800 sterling; sometimes fathers of families have been at the expense of finding two or three substitutes for their sons.

4873. When you say 20,000 *francs*, is that an extreme case?—It was a common price from 12,000 to 20,000 *francs* in the active service in the wars under the empire.

4874. At present what proportion of *remplaçans* may there be in the Army?—At present in my regiment there are about one-tenth.

4875. Do you give the same character to the substitutes now in time of peace that you have spoken of before?—No; in time of war the spirit of emulation, and so forth, sometimes corrects the natural habits of the men.

4876. Taking this into consideration, are you of opinion that the discipline of the regiments in the French service is better or worse than it was in the time of war under the empire?—It is better now, because they can pay more attention to their private lives, and there are more means of repressing irregularities.

4877. At the present time, does the difficulty of preserving discipline arise in a greater degree from the conduct of the substitutes in the regiment than from that of the other classes?—I consider the substitutes as much more difficult to manage than the others. The young soldiers who are serving for themselves are now very good subjects.

4878. In your regiment, what proportion of the *sous-officiers* have been *remplaçans*?—About one in thirty; there are very few.

4879. And that small number is in consequence of their not being generally so well behaved men as the others?—Yes, undoubtedly.

4880. When the conscripts arrive at the regiments, are they in general in low spirits, or do they join the regiments with feelings of pleasure?—They come very unwillingly. The conscription is a very severe regulation.

4881. What proportion of volunteers are there in your regiment?—About one-thirtieth.

4882. When they join the Army do they choose their own regiment, or do they volunteer into the service generally?—The volunteers generally choose their own regiments, as well as the conscripts who anticipate the call upon them.

4883. When they join the regiment, do they appear to join it with more pleasure than the conscripts?—They join it with pleasure, they choose the regiment because they like either the colonel or the officers, or for some other reason of that sort, or on account of relatives whom they may chance to have in the regiment.

4884. Of that class of men, what sort of proportion are there who become *sous-officiers*?—In that thirtieth of whom I have spoken there may be a great many who become non-commissioned officers; I should think fifteen out of thirty obtain the rank of non-commissioned officers.

4885. And, generally speaking, what was their situation in life before they joined the Army?—Some are men who have been engaged in business, and have been unsuccessful, they think they have a prospect of getting forward in the Army. There are others who engage themselves because they have no means of existence.

4886. Are they generally inhabitants of towns, or inhabitants of the country?—Generally of the large populous towns.

4887. Taking the whole mass of your regiment, have the greater proportion come from the country, or from the great towns?—There are more from the country than the towns, and they are generally better soldiers.

4888. Of the *sous-officiers*, have they mostly come from the country or the towns?—Most of the non-commissioned officers come from the towns.

4889. Is that on account of their having received a better education?—Precisely so.

4890. What are the usual offences against discipline that call for punishment in your regiment?—The offences against discipline are missing roll-call, and slight faults against cleanliness, irregularity, disobedience, improper behaviour in barracks, and drunkenness.

4891. Is drunkenness particularly prevalent at the time of the *décompte*, when they receive the balance of their three months *masse*?—Unquestionably.

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4892. What sort of sum do they generally receive at the time of payment?—The sum is not fixed, but they cannot receive more than ten *francs*.

4893. Except at that time does the French soldier receive no money?—They may receive money from their families by the post.

4894. Do not they receive any pay?—The common soldier receives seven *centimes*, which is not quite three farthings a day, after providing himself with his necessaries and food.

4895. So that except at the period of making the *décompte*, the soldiers never have sufficient money to buy liquor to make themselves drunk?—Except some that may receive money from home, and invite their comrades to go and drink with them.

4896. Is it the fact that the French soldiers never drink alone for the sake of drinking, but always for the sake of society?—Always.

4897. Do they ever sell their necessaries to procure the money to buy liquor?—It is an offence which happens often, but particularly among the *remplaçans*.

4898. At the period of the *décompte* do you find a greater difficulty in maintaining the discipline of the regiment than at other times?—Yes, during three or four days there is a good deal of drunkenness among the men.

4899. Is the discipline of the regiment as strictly maintained during that time by the officers as at other periods?—The discipline is always the same, but certainly the faults are more frequent.

4900. If a man commits any of those offences against discipline of which you have spoken, is it in the power of any of the *sous-officiers* and the corporals to punish them of their own authority?—Certainly.

4901. To what extent can a corporal, for instance, punish a man?—He may order four days' confinement to barracks, or two days of *salle-de-police*.

4902. What is the *salle-de-police*?—It is a room in which there is a truckle-bed, a paillasse, a bolster, and a rug. He is confined in that room during the period of his punishment, except when he is taken out to perform his duty, which he does as regularly as at other times.

4903. Have the *sous-officiers* any greater power of punishment than the corporals?—Yes, they have exactly double the power.

4904. In case of a *sous-officier* or a corporal ordering this punishment upon a soldier, how soon must he report it to his captain or commanding officer?—He must report it in the course of the day, but he does not report it immediately to a commissioned officer but to the serjeant-major.

4905. Then is it the serjeant-major's business to report it to the captain of the company?—The serjeant-major reports it to the orderly-officer for the week; but when he shows his report to the captain, which he does the next morning, there is in writing a statement of all the punishments inflicted during the twenty-four hours.

4906. Upon that report being made to the officer, does he make any inquiry of the person who has ordered it with respect to the nature of the offence?—The serjeant-major, in reporting the punishment to the officer, states the reason of it, without which the officer is obliged to confer with him who has inflicted the punishment.

4907. Is it the officer's business to make any inquiry into the nature of the offence?—Certainly.

4908. Is it the duty of the captain of the company to report it to the commanding officer?—It is the duty of the captain to state in his report every punishment of the kind.

4909. How soon after receiving the report from the serjeant-major is the captain obliged to report to the commanding officer?—Either the same day, or the next morning; every punishment must be reported within twenty-four hours.

4910. In case of punishment so inflicted by a non-commissioned officer, does it frequently happen that the officer commanding a company remits the punishment, or makes any alteration in it?—He has the power of increasing the punishment, but not of diminishing it.

4911. Has he the power of entirely pardoning?—No; when once a corporal has ordered a punishment, the only person that can annul the sentence is the colonel, or the officer commanding the regiment. The captain has the right, in making his report, to ask for a remission of the punishment, basing his request upon certain properly announced grounds.

4912. Can the *chef de bataillon* remit the punishment?—When he is commanding the battalion separate from the colonel the *chef de bataillon* has the same power as the colonel.

4913. Does it often happen that the *chef de bataillon* does change the punishment which has been ordered by a *sous-officier*?—Seldom; he has very rarely occasion to annul a sentence, for the punishments are in general inflicted with a great deal of justice.

4914. When a man commits an offence which is ranked among the *délits*, and a non-commissioned officer knows of that offence, how does he proceed to bring that man to punishment?—He begins by putting the man into the *salle-de-police*, and then reports him.

4915. And upon that being reported to the commanding officer of the regiment, how does he proceed?—He orders the captain commanding the company to frame a complaint, if it is a *délit*, and he addresses this complaint or report to the *chef de bataillon*, who accompanies it with his opinion of the offence, and it is then transmitted to the lieutenant-colonel, or the colonel, if he is present with the regiment.

4916. What proceeding is then taken?—That depends upon the nature of the offence; for a fault against discipline in the regiment he is punished by the commanding officer; for *délits* and *crimes* he is called before a *conseil de guerre*.

4917. Are there any *fautes* against discipline that are considered so grave as to call for punishment from the commanding officer, independent of the punishment originally inflicted by the non-commissioned officers?—Yes, that happens very often.

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4918. To what extent can a commanding officer punish a soldier for an offence beyond the punishment which you have stated to be in the power of the *sous-officier*?—The colonel can order one month's confinement to barracks, a month of *salle-de-police*, four days' *cachot* (that is, solitary confinement in a cell), fifteen days' prison; further than this, he can suspend from carrying the sword during three months at most, and can sentence to the town prison for fifteen days.

4919. And beyond that, if the offence is so great as in his opinion to require a greater punishment than this, is he then obliged to report him to the general officer, in order to have him brought before a *conseil de discipline*?—There is no necessity for that; it is in the power of the commanding officer to order a *conseil de discipline*.

4920. Then it is in the power of the commanding officer when he thinks proper to submit a man to the *conseil de discipline*?—When a man has been frequently punished by the punishments I have mentioned, and it produces no effect, then the captain is ordered to make a report with respect to the man's conduct. This report of the captain, accompanied by a full statement of all the punishments the man has received, and a description of him, is addressed to the *chef de bataillon*, who places his opinion at the foot. He transmits this document to the lieutenant-colonel, who also affixes his opinion. At length it is sent to the colonel. If the council of discipline decide that the man cannot be restrained by the ordinary and simple mode of discipline, the colonel transmits this same document to the lieutenant-general, with his private recommendation upon it.

4921. How is the *conseil de discipline* formed?—It is presided over by a *chef de bataillon*, and composed of three of the oldest captains and three of the oldest lieutenants chosen from the other battalions of the regiment than that to which the culprit belonged.

4922. What is done when the battalions are separate?—There are special *conseils de discipline* in the battalions.

4923. How are those special *conseils de discipline* composed?—It is presided over by the oldest captain, and made up of three other captains and three lieutenants.

4924. Are there any *sous-officiers* or private soldiers upon those *conseils de discipline*?—Not in the *conseils de discipline*.

4925. To what extent of punishment can those *conseils* go?—The *conseils de discipline* can merely give an opinion, which is submitted to the colonel, who gives his opinion, and submits the proceedings to the lieutenant-general, who decides.

4926. Upon receiving it, what does that general officer do?—He has the power of sending that man into any company of discipline which he thinks proper.

4927. Does the opinion given by the court or the commanding officer point out any particular punishment to be applied to the man?—No; the colonel must annex to the opinion given a list of the faults previously committed by the man, and the date of his entering the service.

4928. Is the sending to the companies of discipline the utmost extent of punishment that can be inflicted by the lieutenant-general upon the opinion of the *conseil de discipline* and the commanding officer, or can he inflict anything more?—No.

4929. Has your experience as a commanding officer of the battalion led you to believe that that punishment is effective for the purpose of reforming the soldiers?—Not of reforming them, but it rids the regiment of them.

4930. Do they ever return to the regiment after having been sent to companies of discipline?—Never, since 1830.

4931. Do they serve the whole of their time for which they originally had to serve in the company of discipline, or are they retained in the service, and sent to other regiments?—If they have only six months to serve, they generally finish it in the company of discipline; but if they have several years, then, if they are improved, they are sent into battalions in Africa.

4932. But the sending them to the battalions in Africa can only have been since the occupation of Algiers?—Yes. Formerly they used to return to the regiments.

4933. Before those corps were established in Africa, did you find that the men who returned to the regiments were better soldiers after having been in a company of discipline?—Very seldom.

4934. Where are those companies of discipline generally quartered?—We have in all twelve, of which five are pioneers, and seven fusileers. Four of those companies are in Africa.

4935. Where are the remainder?—They are distributed in the different fortresses.

4936. How are the men employed who are in those companies of discipline?—Those who are in the companies of pioneers are employed at public works, and they are treated more severely than those that are in the companies of fusiliers.

4937. How are the companies of fusiliers employed?—The companies of fusiliers may be also employed at laborious work, but they are constantly confined in barracks, and never allowed to go out except accompanied by a non-commissioned officer.

4938. Is the question whether they shall go to a company of fusiliers or to a company of pioneers decided by the nature of the offence they have committed?—The lieutenant-general decides it, according to the description of faults committed by the culprit.

4939. In the case of a crime committed by a private soldier, what is the course of proceeding?—What I have spoken of hitherto are merely faults against discipline; but in cases of desertion or theft, and other offences of a graver nature, they are taken before a *conseil de guerre*.

4940. Are the punishments inflicted on those offences called *peines correctionnelles*, or *peines infamantes*?—The punishments I have hitherto spoken of are merely disciplinary punishments (*peines disciplinaires*); those called *correctionnelles* or *infamantes* can only be enforced by *conseils de guerre*. A man may be sent into a company of discipline, and his career stopped in the Army, but he is not disgraced by it.

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4941. Supposing a man to be sent to one of the corps of discipline, and to return to his regiment, do you mean to say that in that case he could not become a *sous-officier*?—At present he cannot return to the regiment, he goes to the battalions in Africa; but in those battalions, by good conduct, he may become a corporal, non-commissioned officer, &c.

4942. Before the establishment of the corps in Africa, could they, by good conduct, on returning to the corps become non-commissioned officers?—Yes.

4943. In cases of offences which come under the head of *délits*, how is the man proceeded against?—The captain makes a complaint in writing stating the fact, and naming as many witnesses as he can. This is addressed to the *chef de bataillon*, who sends it to the lieutenant-colonel or colonel; the colonel transmits the complaint to the lieutenant-general, and the general sends all the papers to a *conseil de guerre*, with an order to inquire into the matter.

4944. How is the *conseil de guerre* composed?—The *conseil de guerre* is composed of a president and six other members, making in all seven. There are also a *commissaire du roi*, a captain reporter, and a *greffier;* that is, a secretary or registrar.

4945. Is the *conseil de guerre* a permanent body, or called together upon the occasion only?—In every military division there are two permanent *conseils de guerre* and one *conseil de revision*.

4946. What description of officers compose the *conseil de guerre?*—The president is always a superior officer, either a colonel, lieutenant-colonel, or a *chef de bataillon*.

4947. Does the major sit upon a *conseil de guerre?*—He may be called in if there are no others; he does not generally sit. After the president there ought to be a *chef de bataillon*, two captains, one lieutenant, one sub-lieutenant, and one non-commissioned officer; those seven are the judges.

4948. What is the duty of the *commissaire du roi?*—To take care that the proceedings are according to law, and, upon demand, to read the text of the law applicable to the case.

4949. What is the duty of the *capitaine-rapporteur?*—He interrogates the person brought before the council, and the witnesses, and prepares all the proceedings, and takes all the steps that may be necessary to enlighten the council to the performance of their sacred duty.

4950. After the witnesses have been examined does he address the court with respect to the punishment?—The duty of the *capitaine-rapporteur* after the evidence has been heard, and when he is called upon to do it, is to give every suitable explanation either in favour or against the prisoner, and he finishes by giving his own conclusions. He has not a deliberative voice in the council any more than the *commissaire du roi*.

4951. After he has addressed the court, what is the course of proceeding?—The counsel for the person accused always has the last word.

4952. How does the court proceed then?—Everybody retires but the members of the court and the *commissaire du roi*, and then they proceed to deliberate upon the sentence.

4953. There are first of all written depositions, and then the witnesses are examined before the court?—Yes.

4954. And the person accused may have somebody to defend him?—Yes.

4955. Has he generally a counsel?—He may choose either an advocate or any other person to defend him, and in case he does not, the *capitaine-rapporteur* has the power of assigning any barrister for that purpose, and, if the prisoner has no knowledge of any person prepared to defend him, the *capitaine-rapporteur* may, of his own accord, designate some member of the Bar to fulfil this duty.

4956. When that person is assigned by the captain-reporter, is he paid?—It is gratuitous.

4957. When the court have retired what proceeding takes place?—The judges deliberate together whether he is guilty or not, and give their opinion upon the question, beginning with the lowest in rank; and if they decide that he is guilty the *commissaire du roi* refers to the code, and calls upon the court to sentence the man to the punishment which the law annexes to the offence.

4958. Are all the punishments fixed and certain punishments annexed to particular crimes?—Yes, conformably to the penal code; when the military law is silent, they apply, on soul and conscience, a punishment corresponding and proportioned to the *délit*, or the crime laid down in the ordinary penal code.

4959. Have the court any power either of increasing or diminishing the punishment?—No.

4960. Is there any discretion given to fix a greater or a less number of years' imprisonment?—Yes, there is a *minimum* and a *maximum*, and it depends upon whether or not there are extenuating circumstances.

4961. Supposing a case in which the punishment affixed to the crime is imprisonment from one to five years, and that, of the court martial, two shall vote for two years' imprisonment, two more for three years' imprisonment, and three for four years' imprisonment, what would be the punishment inflicted by the court?—There must always be five voices for condemnation; but in a case where, the guilt being declared, the votes are different, as in the case the question supposes, the opinion the most favourable to the accused ought to be adopted.

4962. If a prisoner is found guilty of a crime to which death is annexed by law, is it absolutely necessary that the *conseil de guerre* should condemn him to death?—Certainly; but extenuating circumstances may be taken into consideration, such as, in the case of a soldier striking or insulting an officer, a question would arise as to the previous character of the soldier, or whether the crime was committed from drunkenness, or in consequence of his having been first struck or provoked by the officer, or whether there were any other circumstances that might be considered as diminishing the offence, in which case the sentence of the court would probably be that he had been guilty of an offence in the next degree, and he would be subject to five years' imprisonment in irons.

4963. In point of fact, supposing a man to have struck his non-commissioned officer or

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officers, what would be the punishment generally inflicted for that offence?—According to the penal code, if there are no extenuating circumstances, it would be death.

4964. But, in point of fact, is that punishment frequently inflicted for that offence?—The case must be one that is very notorious, clearly established, free from all doubt, and without any extenuating circumstance.

4965. After the *conseil de guerre* has come to a decision, it is reported to the lieutenant-general?—After the condemnation the culprit is informed of the sentence, and he is allowed one day (twenty-four hours) to appeal to the court of revision.

4966. During those twenty-four hours is any report made to the lieutenant-general?—Always, particularly when it is a capital offence.

4967. How is the court of revision composed?—The court of revision is composed of five judges, a *maréchal-de-camp*, president, a colonel, a *chef de bataillon*, and two captains; there is also a *commissaire du roi*, who is an *intendant*, or a *sous-intendant*.

4968. What is the power of that *conseil de revision* with respect to the sentence?—The *conseil de revision* does not enter at all into the merits of the proceeding, but simply whether the forms of law have been observed, and whether the tribunal was a competent one, and whether the proper punishment has been adjudged to the offence.

4969. After the *conseil de revision* have given their opinion what is the next step?—If there has been any informality in the proceeding, or if the sentence has exceeded the law, or if the *conseil de guerre* has not been properly composed, they annul the sentence.

4970. If the sentence is confirmed, what is the next step?—They send back all the proceedings to the *conseil de guerre*, with the decision which they recommended, affirmed by the *conseil de revision*.

4971. Who has the power of putting that sentence into execution?—The captain-reporter reports it to the lieutenant-general, and it is his duty to order the execution to take place.

4972. Is there any reference to the minister of war?—During the time that the case is under revision, an application may be made to the minister of war, or to the king, in favour of the accused, either to commute the punishment or remit it entirely. But when the court of revision has given its judgment, the sentence passed by the court, if confirmed, must be put into execution within twenty-four hours. I am now speaking of the law as rigorously executed, because cases might arise in which application for the mercy of the king might be made.

4973. With respect to the punishment of imprisonment, how is that executed?—He is detained either in a fortified place or in the common prisons, where he is occupied in manual labour.

4974. Are there any prisons that are specially reserved for the military in France?—Yes; it depends upon the degree of punishment.

4975. Does the prison to which a prisoner is sent depend upon the crime that has been committed?—For certain offences, the punishments of which are detention in prison, or employment on the public works, the persons convicted are kept in military prisons under military superintendence; but, in case the punishment is imprisonment in irons, they are sent to the galleys with the prisoners who have committed civil offences.

4976. After they have been imprisoned, or sent to the public works, do they ever return to do duty with their regiment?—Yes, they may return to the regiment after that punishment; it is not an infamous punishment.

4977. Can they return after having been in the galleys?—Never, after having been sentenced to an infamous punishment.

4978. Is the *boulet* considered an infamous punishment?—No; the only infamous punishment we have are irons, death, and *reclusion*.

4979. What is *reclusion?*—It is an infamous punishment applied for crimes such as theft, or for a man having sold his horse or his arms, or those of his comrades.

4980. What is the nature of the punishment?—They are confined in a house of detention and made to work, and they receive only a proportion of their earnings, half of what is paid to a free workman. One-third is given to the man, one-third is kept for the expense of the prison, and the other third is laid by to be given to him when he leaves.

4981. Before a soldier undergoes an infamous punishment, is he degraded in front of the regiment?—Always.

4982. What is the ceremony of that degradation?—The guard of the day only is under arms: the regiment, with the company to which the prisoner belongs at its head, assists at the parade, as well as detachments from all the corps in the garrison. The captain-reporter reads the sentence, and they then proceed to the degradation, which consists in making him take off his appointments, passing them under his feet, and taking his firelock from him over his left shoulder, where he holds it in an inverted position, the butt in the air. If the prisoner is a member of the legion of honour, before his appearance on the parade, the president of the *conseil de guerre* announces to him that he is degraded from the legion of honour, as having forfeited his honour.

4983. Are his epaulettes and chevrons taken from him, and his buttons cut off his coat?—It is certainly within my own knowledge that the buttons of his regiment, as well as his epaulettes and chevrons, are torn from him, but I am unable to quote the law which prescribes this degradation.

4984. Is there any distinction of dress worn by soldiers who have served any time in the French Army?—None but the chevron.

4985. Does he obtain that chevron after seven years' service?—The first chevron is granted after seven years' service; the second after eleven years; the third after fifteen years. The increased pay for the first chevron is seven *centimes*, that of the second and third ten *centimes* for each.

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4986. Do the chevron at eleven years and the chevron at fifteen years receive the same amount of pay?—Yes, just the same.

4987. In consequence of misconduct, can they be deprived of those chevrons and of the additional pay?—Never.

4988. Not even by the sentence of a *conseil de guerre?*—A person condemned has no title to the chevron if he is sentenced to an ignominious punishment (*peine infamante*); but, if he is only subjected to a correctional punishment (*peine correctionnelle*), on returning to the Army he resumes his rights. In every case, however, during the punishment, he is deprived both of the marks of his length of service and of his increased pay, and can never claim the arrears.

4989. The decoration of the legion of honour is given to private soldiers as well as to other ranks of the Army?—Certainly, any action of bravery would entitle a private to it as well as an officer.

4990. Will any length of service, with merely good conduct, entitle him to that decoration?—Yes, in time of peace, with twenty years' service and excellent conduct, a man may be proposed.

4991. Who recommends to this distinction?—His colonel to the inspecting-general.

4992. Do you find that the soldiers who have obtained the distinction of the legion of honour are very proud of being so decorated?—Always; it is a very great honour to them.

4993. Is their being deprived of that considered as being a very severe part of their punishment?—Certainly; they can only be deprived of it by a condemnation to an ignominious punishment, or on account of dishonour, such as swindling, abuse of trust, and even then an order of the minister of war is necessary as a preliminary.

4994. During the last two or three years do you know of any, and how many, sentences of death being carred into execution?—Since the year 1830 I think there have not been ten.

4995. Do the French soldiers in general look forward with a desire that their time of service shall be finished, or are they satisfied during the time they are in service?—They are generally young men who are desirous of returning to their families.

4996. Does the promotion of *sous-officiers* to the ranks above take place frequently in time of peace?—Not frequently. There are conditions annexed to it, and so many candidates that it is rather difficult.

4997. In your own battalion can you say how many *sous-officiers* have been promoted to the rank of officers within the last five years?—In the battalion that I command there are ten that are non-commissioned officers who have been commissioned since the year 1830; eight are sub-lieutenants, and two lieutenants.

4998. How many officers have been appointed to the regiment during the same time?—We have received very few subalterns; we have only received four from the military school.

4999. Do you mean to say that there have been no subalterns appointed during those five years except the ten non-commissioned officers and four persons from the military school?—Almost the whole body of lieutenants and sub-lieutenants have been renewed since 1830.

5000. Are there any who have become sub-lieutenants in the regiment without either coming from the military school or the *sous-officiers?*—Not in my battalion, but in the regiment there are four who were appointed in consequence of their conduct in July.

5001. But, except those four, all the commissions that have been vacant since 1830 have been filled up from the *sous-officiers,* or by persons coming from the school?—Yes, entirely.

5002. When a *sous-officier* gets a commission, does he easily find the money to purchase his equipments?—The regiment gives him 500 *francs* to equip himself; that is, it is given to him by the Government, but paid through the regiment.

5003. Does each rank in the regiment mess separately?—The subaltern officers mess together, the captains together, and the superior officers together.

5004. Do those different ranks mix much together in society?—Yes, certainly.

5005. Is a sub-lieutenant often invited to dine with the captains or with the superior officers?—Whenever they like.

5006. Does that happen often?—Pretty frequently

5007. When the *sous-officiers* are promoted to the rank of subalterns, are they generally young men, or persons of a certain age?—They cannot be very young, because the law does not call them to serve till twenty years of age; therefore they must be at least twenty-three years of age before they become officers.

5008. Generally speaking, what is the age at which a *sous-officier* obtains a commission?—Upon the average about twenty-five.

5009. Then he can go on by length of service as far as the rank of captain?—Yes; among the subalterns who obtain rank, two-thirds obtain it by length of service, and one-third by the choice of the king; and, among the lieutenants that become captains, two-thirds obtain it by length of service, and one-third by the choice of the king.

5010. Beyond the rank of captain it is a matter of choice?—To the rank of *chef de bataillon* inclusively, half are taken by length of service, and the other half at the choice of the king.

5011. Do you find in practice that the hope of promotion retains in the service many of the men after their seven years have expired?—Not many in time of peace.

5012. In time of war is the promotion much more rapid?—Certainly; there is no fixed time. Half the time which is necessary in peace is sufficient in time of war to obtain promotion, and a gallant action will supersede all seniority.

5013. At what *maximum* of age can a *remplaçant* be engaged?—Up to the age of thirty-five.

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5014. Are there two codes of law, one for time of war and another for time of peace?—There is only one.

5015. How do you proceed to maintain discipline in time of war when you have not the same means as in time of peace?—In time of war we cannot have the same modes of minor punishments, such as imprisonment, detention in barracks, and so forth; but we send the culprit to the camp guards. There is also a punishment which is very effectual, which is called the *savatte;* it is inflicted by the soldiers themselves, with the connivance of the officers, but not under their express authority, nor is it exactly legal.

5016. In what manner is that punishment inflicted?—The hinder parts are either stripped, or his trowsers are drawn tight over him, and then his companions strike him with a slipper.

5017. Is that punishment a severe one?—It is very severe, for sometimes the men after it go to the hospital, but it must be understood that it is not at all sanctioned by law.

5018. Is that punishment inflicted for crimes that would be punishable by courts martial in time of peace?—No, for cowardice, or malingering, shirking duty, or little thefts amongst themselves.

5019. Is theft punished in that way?—A distinction must be made in that respect. Whenever the Army is without rations, it is no offence to take bread and meat, and so forth, from the inhabitants; but, whenever rations are delivered to the troops, then it becomes an offence to take those things from the inhabitants, or to take any other article that is not an article of necessity.

5020. In time of war, is the punishment of death more frequent than in time of peace?—The case must occur more frequently than in time of peace, but it is not within my knowledge that the punishment has been more frequently inflicted. There is attached to every corps in the Army a grand provost, whose business it is to pursue the offenders, and to bring them before a court martial.

5021. Has the grand provost the power of inflicting punishment of his own authority without a court martial?—Never.

5022. Under any circumstances whatever in the French Army, does any part of the punishment consist in the infliction of blows?—The only case that I know of is, that an officer might strike a man who is running away from the enemy.

5023. Then the amount of punishment is not greater when the Army is in the field than it would be in peace?—They are not more severe, but they may be more frequent. There are offences in war time which give rise to more frequent punishments.

5024. Has it been found that soldiers commit offences during a severe war for the purpose of being sent to the companies of discipline?—No; there have been from time to time men who have cut off a finger in order to be sent out of the service; but whenever those cases were found out they were severely punished either by the company of pioneers, to which they are sent, or by disgrace in the eyes of their comrades.

5025. When an Army is in the field, if men are sentenced by the court to imprisonment, how is that punishment inflicted?—It is very difficult to inflict those punishments in time of war. The sentences of death are necessarily inflicted, but the imprisonment is not inflicted.

5026. Those crimes which would in times of peace incur the punishment of imprisonment, how are they punished when the Army is in the field?—There is a *conseil de guerre* which is assembled in each division, and they condemn the culprit the same as they would condemn him if the Army was in France. They then have him sent into France by the *gendarmerie,* and there the sentence is put into execution.

5027. In case of mutinous disposition being manifested upon a march, the Army being in the field, how would those men be disposed of?—There is a punishment affixed to that offence by the penal code.

5028. How is disobedience to orders punished?—Disobedience in the field before the enemy is punished with death. Crimes of that nature are punished with greater severity in time of war.

5029. In point of fact, when you have been upon service in the field, were the punishments of death frequent?—It depended very much upon the vigour of the commander-in-chief; sometimes merely for stealing a fowl a man was shot.

5030. Was that man shot in consequence of a court martial, or by the order of the commanding officer?—Always by the decision of a *conseil de guerre.* Sometimes during a march the corps has halted, a court martial is summoned immediately, and the man is sentenced and shot upon the spot.

5031. Supposing at the present time, when the troops are going from one garrison to another, a man refused to march, what course would be pursued?—They may either take him by force or put him into the hands of the *gendarmerie.*

5032. Is he tried afterwards?—No, he is merely led from brigade to brigade by the *gendarmerie,* which is a severe punishment, as he sleeps always in prison when he arrives at a station, and he is sometimes a month going a short distance. If the case requires it, on his arrival at a garrison, a complaint is prepared against him, and he is brought before a council of war; or sometimes he incurs a disciplinary punishment.

*M. le Capitaine Jean Baptiste Chapuis* was examined as follows:

*M. le Capitaine Jean Baptiste Chapuis.*

5033. What rank do you hold in the French Army?—Captain of the 46th regiment of the Line, and knight of the legion of honour.

5034. How long have you been in the service?—Twenty-two years.

5035. In what rank did you enter the service?—On leaving the military school I was a sub-lieutenant.

*M. le Capitaine Jean Baptiste Chapuis.*

5036. Did you obtain a commission immediately on leaving the school?—Yes, immediately on leaving the military school I obtained a commission.

5037. Then you were never a *sous-officier?*—Never.

5038. How long have you been captain?—Seven years.

5039. Are there many in the list of captains above you?—No, I am about the sixth or seventh.

5040. How many captains are there in the whole regiment?—There are three battalions, and in each battalion there are eight captains.

5041. According to your experience of the regiment, how soon do you expect to attain the rank of *chef de bataillon*?—If it was for length of service I should have no chance; but I might be chosen by the king.

5042. Why should you have no chance?—Because, in order to become a superior officer by length of service, it must be length of service in the whole infantry. To become a lieutenant from a sub-lieutenant is much more easy than to become a *chef de bataillon* from a captain, inasmuch as there are as many lieutenants as sub-lieutenants in the regiments, but there are eight or nine captains for one *chef de bataillon*, and therefore it is very rarely that the rank can be obtained by merely length of service, but it must be bestowed by the choice of the king.

5043. You have heard the evidence of Baron Bertrand; have you any observation to make upon the matters which have been referred to in that evidence?—I have paid great attention to all that the Baron has said, and I quite agree with him except with respect to the mode in which the sentence as to degradation is carried into effect. I cannot, however, refer to the law which prescribes the mode in which this punishment shall be carried into effect.

[*The witnesses withdrew.*]

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*Saturday, 1st August,* 1835.

The Right Hon. Lord WHARNCLIFFE in the Chair.

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*Lieutenant Thomas Blood* was examined as follows:

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5044. You are a retired lieutenant upon full pay?—I am.

5045. The Commission understand you obtained your commission after having served in the ranks?—Yes.

5046. What regiment did you originally serve in?—In the 43d regiment of Light Infantry.

5047. At what age did you enlist?—I believe about nineteen.

5048. What situation of life were you in before you enlisted?—My father was a private gentleman in the county of Clare, in Ireland. I stole away from home, and, on walking one hundred miles, I enlisted in Castlebar with a recruiting party of the 43d regiment. When my father heard of it he went to the Honourable Colonel Burton, of the Clare militia, who offered to get me off, and promised me the first vacant ensigncy in his regiment. However, I refused to return home, and requested the recruiting officer to send me at once to my regiment. He did so, and I joined the 2d battalion in February, 1811, in Colchester. From thence I volunteered to go out with a detachment in June, to join the 1st battalion, which I joined in July, in Spain, with which I served till December, 1813. In that period I was in all the actions, and at the taking of Ciudad Rodrigo, Badajoz, and St. Sebastian's, where I was very severely wounded in the face by a ball. I had volunteered to storm those garrisons.

5049. When did you obtain your commission?—It was dated on the 18th November, 1813, but did not arrive out previous to the latter end of December.

5050. You did not get a commission in the same regiment in which you had served?—No; in the 6th Foot.

5051. During the time you were a private in the 43d regiment had you occasion to witness any corporal punishment?—Oh yes, I have witnessed a good many.

5052. Both at home and on service?—Yes.

5053. Can you give any particular instance of corporal punishment in which it appeared to you the infliction of that punishment was necessary at the moment, and had a proper effect?—The first case of corporal punishment I witnessed was in Colchester with the 2d battalion. He was the bugle or drum-major of that corps. He was severely punished, so much so that when he got well he appeared to be quite double, and was, I do believe, discharged in consequence, although I think he received but 500 lashes of a greater number awarded, being tried by a garrison court martial. It appeared that he was disliked by the buglers, as I heard the observation made by them that they now had revenge of him, that they cut him well up, for he had been very severe and harsh towards them. The reason he was punished, as well as I can recollect, was that he was in the habit of sending the young buglers under his charge into the town to pilfer. He directed them to get a twig, with a little hook attached to the end of it, and while across the counter, talking to the shopboys, to introduce it under their bodies into the little division in the counter, where the money was usually dropped into the drawer beneath. In this way they used to hook and draw up the notes; and, on one of them being detected, he was immediately seized, and the circumstance discovered that they were instructed by the bugle-major to do as I have described.

5054. Afterwards what other punishments particularly did you witness?—I witnessed in the same garrison the punishment of one of two men who had deserted, tried by court martial, and sentenced, I think, to 900 lashes. They got their choice to volunteer to a

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foreign corps, or be punished. One volunteered accordingly, and the other preferred undergoing the punishment; but, after the unfortunate man had received about 400 lashes, he begged to be allowed to volunteer also, that he could not endure further punishment. These were the only two cases I recollect in England.

5055. With respect to those three cases, in which it appears that the persons had committed great offences, what effect did it appear to you that the infliction of this punishment had on the rest of the men?—I know that the feeling of the men in garrison was, that in both cases the individuals fully merited the punishment inflicted.

5056. When did you go abroad?—I embarked on board a transport at Portsmouth, in June, for Lisbon, to join the 1st battalion.

5057. Do you recollect a punishment inflicted in that regiment on the 26th September in that year?—I do.

5058. Will you state the circumstance of that punishment?—We were very near Ciudad Rodrigo all the day before. The light division was in a forest, and we heard very distinctly the firing during the action of that day on the plains of El Bodon, where the 5th and 77th regiments so gallantly defended themselves against a very superior number of the enemy. After dusk we retired a long way by a circuitous march until about one o'clock in the morning, when we halted for a few hours to cook, and again marched; and I suppose it was about six o'clock when the enemy closed on us. We, the 43d regiment, being the rear regiment, found ourselves so pressed upon that we formed line for action. We could not avoid doing so from our situation. We first retired by a descent, and then formed our line, and advanced a few paces facing them, and then lay down awaiting the arrival of the enemy, who were advancing in line. However, they soon suspected something, and halted; on this our line stood up and advanced to the summit, and a few yards forward, to let them see we were determined, and in readiness to meet them. The enemy declined the invitation, and halted. They would not advance, on which we retired in column. Shortly after this, in retreating, a soldier, as well as I recollect, who was in the company with me, became most insubordinate and insolent to his officers, setting all authority at defiance. In consequence, the regiment got in front of the division on the retreat, owing, I suppose, to the circumstance being communicated to the general commanding, and the rear regiments formed line, the enemy having halted; on which there was a drum-head court martial, the man tried, and instantly punished. He received, as well as I recollect, 50 or 100 lashes. This had the desired effect; it at once checked his mutinous conduct, and we had no more of it.

5059. What was the act of mutiny?—Most improper and disrespectful language to his officers and non-commissioned officers, setting them and all authority at perfect defiance.

5060. What did it appear to you was the effect of the immediate infliction of the punishment on the rest of the men?—It appeared to have had a very desirable effect; in fact, it instantly checked this turbulent fellow's insolent behaviour, and was of course an example of terror which prevented others, if so inclined, from being guilty of or led into a like breach of military order, and the men felt sensible that he fully deserved the punishment he received; but, if the power of inflicting this corporal punishment was not in force, it is my firm opinion that it would be attended with the most serious and fatal consequences, and particularly so in the field before the enemy.

5061. You think it would have had the effect of destroying the energy of that regiment upon that occasion?—Yes, I do, considering what was the description of some of the characters we had to do with then; and, if it was not instantly punished in the summary way he was, it would have induced him and others to set all their officers and all authority at defiance. In this month I also witnessed another drum-head punishment in the division, on the line of march, on three of the 95th Rifles, by order of Major-General Robert Crawford. While actually marching these men fell out for water, which was a violation of his orders. He had two or three dozen lashes inflicted. This had the desired effect also. No soldier of that division, for more than two years I was marching with it after, committed a breach of that order. Now surely men are not to be shot for such crimes as these, when a few lashes are effectual, and the men preserved; and yet, under such circumstances, either punishment must be put in force. There is no other that can be established for immediate example on the march or before the enemy. The system in this division was most excellent. Their order in marching, and method in going into action, &c., were truly delightful.

5062. While you were a private and a non-commissioned officer in that regiment, have you heard the men express strong feelings of objection to the existence of such punishment?—Never; it is a mistaken idea about the punishment. It is not that mode of punishment that degrades the man in the estimation of the soldiers, but it is the nature of the crime he commits which degrades the man in their opinion, and not the lash.

5063. Is this paper you have handed in a list of the offences which appear to you to be considered as degrading by the soldier in the first instance, and others which you do not so consider?—Yes, it is. I have had much opportunity of hearing the men in camp and quarters, and knowing, in consequence, their sentiments, there is not a crime in this I have given but I think every man who has had the experience and trials in the service that I have had would agree in the same.

[*The witness delivered in a paper, which was read as follows:*]

Acts on the part of a soldier considered degrading by his brother soldiers:

1st. Cowardice before the enemy in the field.

2nd. To be guilty of maiming himself, so as to avoid being in action.

3rd. In not standing by and aiding a brother soldier to the last exertion of life, if attacked by an enemy at home or on service.

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4th. Skulking or shunning in any respect from his duties in camp or quarters, by which act the burthen of his duties would be thrown upon his company in addition to their own.

5th. Desertion, or an attempt to do so, to the enemy.

6th. Taking any unfair or unmanly advantage of a brother soldier upon any occasion.

7th. Stealing or pilfering in any respect from his fellow-soldiers or his family.

8th. Drunkenness when on duty of any description, or after being warned for such.

Acts not considered degrading on the part of a soldier by his brother soldiers:

1st. If in action, seizing on the enemy's spoil, provided that it does not prevent the soldier from acting against the enemy engaged.

2nd. After taking a town by storm, all acts of plunder and licence are looked upon as a privilege, a right of victory.

3rd. Taking any thing for their own use from the inhabitants of the country in which they may be at the time serving, whether foe or friend.

4th. Getting drunk in camp or quarters, provided the soldier may not have been previously warned for duty of any description.

I have often conversed with gentlemen, not military, on corporal punishment. I know the feeling in Ireland is exceedingly against it, but I know there are cases in which it would be impossible to know what to do if that punishment were not in force, as in the cases I have already recited. The men must otherwise be shot, and yet, by a few lashes, they have often been checked and restored to good discipline, and very many of them subsequently non-commissioned officers, and even adjutants, to my knowledge. It is my opinion that shooting would be an exceedingly dangerous experiment for a moderate crime in our Army as a substitute for fifty or one hundred lashes, and particularly so when campaigning; this must be allowed. I think it would promote desertion to a fearful extent, with other most dangerous regimental consequences.

5064. When you enlisted, were you sensible you made yourself liable to this punishment if you misconducted yourself?—Most unquestionably I was.

5065. Was any impression made on your mind by that circumstance when you enlisted?—No; I knew I should conduct myself properly; I never felt the necessity of considering it, as far as my own feelings were in question. I was never, under any circumstances, for one moment a prisoner in a guard-house, or elsewhere.

5066. You were never employed on the recruiting service?—No, never. I never left my regiment till I had been severely wounded. But from what I, as well as other recruits, experienced from the recruiting serjeants and staff, when we passed the field-officer's approval, I saw the most shameful fraud practised by them on those young men on receiving half their bounty in drink and otherwise.

5067. When you got your commission, you had served previously as a non-commissioned officer?—Yes, for about two years and nine months from the time I first joined. I was a lance corporal, (and that a long time, owing to the want of vacancy for promotion, several non-commissioned officers having come out from the second battalion,) full corporal, lance serjeant, full serjeant, and colour-serjeant, ensign, and lieutenant, all in a period of three years and seven months from joining, and without purchase. It afforded me peculiar satisfaction, when I got my lieutenancy, to find, on reference to the Army List, my holding this rank, and several young men, still ensigns, who were so before I entered the service.

5068. When you got your commission, was it in consequence of a recommendation from your commanding officer?—Yes. I had volunteered on three occasions to storm, and had been severely wounded in the face on the last affair; and I may also say that in the Pyrenees, on the morning of 2nd August, 1813, I was the fortunate instrument in saving the Duke of Wellington and his staff. His only guard then was half a company of the 43rd regiment. I was sent in front out of sight of them on the watch with four men, and my attention and alertness in conveying the intelligence of the enemy's advance in a circuitous movement, by which his Grace's retreat would have been cut off in a few minutes, most assuredly saved him. Now, if a serjeant of inferior information and sensibility of events had been in my place on that occasion, he would not most probably have felt the intense interest in the duty he then had to perform towards his king, country, and all Europe, that I did for the preservation of that great man's safety; and besides my father had written out to the regiment in 1812, to see if I would agree to return home, which I refused; consequently I was left to my own exertions.

5069. In what regiment did you get your commission?—The 6th Foot; in which I got a shot in my knee at the battle of Orthes, carrying its colours.

5070. You served as an ensign?—Yes.

5071. Did you get your lieutenant's commission after the receipt of this wound?—Yes, I became very lame. The ball lodged in me for nine months. I did not join the line afterwards, and got transferred to a veteran battalion in consequence.

5072. When you got your commission it cost you a sum of money to fit you out?—It did not cost me much. The officers present with the 43d regiment (one of whom was my first cousin), then under the command of the very gallant Lieutenant-colonel W. Napier, very kindly made me a present of a sum of money, knowing the difficulty that attended my getting cash from home. They always displayed much kindness towards me, hearing I was a young man of respectability; and a relative, Captain Blood, and others in the Clare militia, wrote to inquire respecting me.

5073. Supposing they had not done so, how could you have contrived to equip yourself?—In that country it was very easy for an officer to have equipped himself in the first instance. They generally wore a grey coat on duty, marching and fighting. The clothes I previously

had would have nearly answered; and besides, my brother, who was then a lieutenant in the 32d Regiment, 6th division, wrote to me, saying he would send me the necessary means for that purpose. However, without either, I should have been able to provide from my pay and allowances as an ensign in that country. *Lieut. Thos. Blood.*

5074. Supposing you had not been on service where dress and appearance of officers was not considered, how should you have provided for it?—It would have been very difficult for me to have done so if I had had no resource beyond my pay of 5*s.* 3*d.* a-day.

5075. Supposing the promotion of non-commissioned officers to commissions in the regiments were more general, do you think they would easily find the means of equipping themselves?—If they refrain from dining at the mess for five or six months, by that time they might, with care, reserve or lay by as much as would equip them, but they certainly could not do it if they were immediately to come into the mess on the pay of 5*s.* 3*d.* a-day, without getting into debt, which would be destructive to their future prospects, as no event can be more injurious to a young officer than becoming in debt.

5076. Or if they were married?—Certainly not. But married officers seldom dine at the mess.

5077. Are you of opinion that the giving commissions more frequently to non-commissioned officers would have the effect of bringing into the ranks persons of a better situation in life?—I am convinced it would. No doubt of it. It is my decided opinion, formed from much experience of what has come under my observation and notice in the service, together with what I have read of military men in all services, that no regulation which may be established can become of so much service and benefit to the British Army as the encouragement afforded by more frequent promotions from our ranks. I would recommend that one-third of the ensigncies in each regiment yearly be given, and if found to work well extend it. But to a different class of men (to be hereafter encouraged into the ranks) than those we have at present in that situation, as, I presume, they are of the same description as we had during the war, it would, I think, be the means of producing a description of regimental officers of superior military experience and information. From what I have read of the French service, it appears that in the French Army all the officers must be from the military colleges, and from the ranks; that in that service one-third of the second lieutenancies in each regiment, yearly, is given to non-commissioned officers. I see that in Buonaparte's time his ablest generals were from the ranks, and the most of them of very humble lineage. I find, of seventeen of them, two became kings; two, princes; nine, dukes; two, field-marshals; and two, generals. I am confident we have at all periods as brave, as dauntless, and as talented young men in the three united kingdoms as France or any other nation ever produced, if valour and ability were equally encouraged in our service as in foreign countries. In our service I believe that all descriptions of men are enlisted, without reference to their characters. This provides our ranks with the very worst sort of persons. In Dublin lately there was a man of the 89th regiment taken out of the ranks (having enlisted under a fictitious name) and tried for murder, in which he aided a few years before in that city, and for which four men had been previously hanged; he was also found guilty. If encouragement were given to young men of respectability to enter our ranks, and to be promoted at the expiration of two or three years when they, by that time, became serjeants and colour-serjeants, and so on, this would bring a class of gentlemen into our ranks that never will otherwise enter them. In that event I would do away with allowing young gentlemen going out and joining regiments as volunteers. I have known some of them to have got their commissions and not a fortnight present with the regiment. It was too bad to see them, perhaps in a month after, commanding a company in action. I ask what confidence could gallant and experienced men place in such an officer at their head? None. It often grieved me to be the covering serjeant of such, on such occasion. By the present system see what a man must undergo before he can obtain a commission, and particularly in peaceable times. There is no chance of promotion except that of becoming an adjutant or quarter-master, and I have seen adjutants whom I knew to have been previously reduced from being serjeants and flogged, but, from absolute necessity, obliged to be made again. And such was the little ambition that some of the men had for promotion, that I recollect one man, in February, 1813, was made a corporal, and he refused to act as such, and was tried by court martial, and actually flogged to compel him to retain the rank and perform its duties; his refusal was looked upon as disobedience of orders. A young man of respectability would seek and covet promotion by every means he could exert of gallantry and good conduct. When I joined the first battalion there were in the company ten or twelve non-commissioned officers, half in each rank, and one of the serjeants had been the regimental serjeant-major, but reduced for bad conduct, and ultimately to the ranks. He would have been promoted in a little time to the adjutancy if he had continued to behave well. Of the above number there was but one, the pay-serjeant, who could write orders; and this person, in April, 1812, got reduced to the ranks, and sentenced to three hundred lashes for defrauding the company. A private was exempted from all duties who used to write the company's orders. My life was a misery and a burthen to me when I joined the service, until I became a non-commissioned officer, such was the persecution I had from these individuals. The non-commissioned officers were as unfeeling to me as the privates; in fact, they urged the latter on to annoy me, as I could not bring myself to associate with them in any respect. If inducement were held out for young men to enlist, such as I have mentioned, all the above defects would be removed. Under such circumstances, if I had sons, and I had money and influence to get them into the Army, I would have them for that period through the ranks, and after obtaining their commission, I would purchase for them afterwards. In my opinion, there is no regimental officer equal to those who have served the different grades from the ranks; there are no officers so attentive to their duty, and they cannot be deceived in

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any respect by the men, who know that such officers are up to all their art and intrica cy They know, upon all occasions, whether the men are telling truth.

5078. Cannot the serjeant inquire into the truth of the facts?—Yes, but they can disguise the truth notwithstanding. I have known them to do so. The serjeants, generally speaking, are men who from their drunken propensities feel the likelihood of again returning to the ranks, when the privates they know would bear in recollection for them their acts or treatment when non-commissioned officers. In the company I was in six serjeants were reduced to the ranks at different periods. I have known the privates to be revenged on those reduced both in language and otherwise; and I have frequently heard the serjeants say in their drunken broils with the privates that they did not value their situation; that they did not enlist to be serjeants. After the battle of Salamanca, and on the march to Madrid, the ten pay-serjeants were sent under the command of an officer to Valladolid, to buy articles for their companies. Such was their conduct, between drunkenness and defrauding the soldiers, that seven of them were tried and reduced to the ranks, and one of those flogged.

5079. Taking the Army as it is now composed, do you think that it would be advisable to give a greater number of commissions to non-commissioned officers?—I would strongly recommend commissions more frequently from the ranks, but not to the present non-commissioned officers, if they are not of a far better or a superior class of men than those were I met with in my time. But on a communication with officers commanding regiments, they could very easily ascertain the eligibility of their serjeants now for that promotion. They must be decisive and competent judges of their qualifications.

5080. The Commissioners are to understand that you are not of opinion it would be advisable to give commissions to the present class of non-commissioned officers, but that if more commissions were given to non-commissioned officers, it would be a great inducement to respectable persons to enter the Army?—Just so: if they are not found to be far superior to that class I knew, and I have been in conversation frequently on this subject with gentlemen of different professions, even Protestant clergymen, who have said they would readily allow their sons to enter the ranks, if there was such an expectation held out for them. I think there is no regulation which would have a better effect in improving our service, than more frequent commissions to those young men.

5081. It would not prevent bad men entering the Army?—No; but it is my opinion that these respectable men's good and moral conduct would be a very great check upon the bad characters, and would be the means soon of rousing them to follow their good example. I have seen them in Colchester barracks filing down half-pence to the substance of shillings, and farthings to that of sixpences, and then colour them with some matter and pass them at night in the public houses. This act was known to the serjeants, and of which they took not the least notice.

5082. Have you had an opportunity of seeing many persons of that rank of life in the ranks?—Never. There was no such person in the regiment but myself, and I felt the want of such society very much.

5083. You cannot tell whether, in general, that description of persons are more amenable to discipline than others?—I think they are, if I am to form a judgment from my own feelings when so situated. They are ambitious of promotion out of the rank of society they have just entered, whose manner and conversation to them is most abhorrent and disgusting in the extreme. Their whole study is, or would be, to get restored to that gentlemanly rank in life from whence they descended by enlistment, and which they know will depend entirely upon their good and gallant conduct.

5084. You say the society of the men in the 43d Regiment, after you joined it, was exceedingly irksome to you?—Yes.

5085. Do you think those young men of good connexion would like to undergo the inconvenience and disgust of those preparatory years, before getting their commissions as officers?—I am sure they would. Having the hope of being promoted they would undergo that hardship freely, if they had a certainty of being removed from it to an ensigncy at the expiration of two or three years. They would be society for each other for that period. From what I know of the fatigues attending that situation, were I a young man, I would readily undergo it for that period.

5086. When you got your commission did you join the mess?—No; there was no regimental mess on service, but I joined the officers of the company. We messed together as officers of companies.

5087. Of course, being in the enemy's country on service, you were sometimes very ill off for provisions?—Yes; very often we were for days and nights without a bit, and enduring severe forced marches, both day and night, exposed to burning suns and heavy dews.

5088. Your expenses during that time were very small?—Yes; we had always six months pay due to us, and when the seventh became due, we generally had it paid to us; but I recollect at one period in Madrid, 1812, there were nine months' pay due to us. We were consequently obliged to live on our rations, which were very often of the worst sort, particularly the meat, and sometimes we got but half rations owing to much scarcity.

5089. Suppose, instead of being on service, you had been in garrison in England, could you under those circumstances have joined the mess of the regiment with convenience to yourself?—I certainly think not, if I had no other means to provide myself in the necessary uniform but my daily pay of 5*s*. 3*d*.; besides, there were mess and band funds to pay towards, and then income tax, together with commission fees. Now these two latter charges should never be made from an ensign's pay who has not purchased. I am sure the public would not desire it were they aware of the circumstance.

5090. Do not you think it very material that all the officers of a regiment should mess

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together?—I do, certainly. There is no society of gentlemen, in my opinion, that can surpass a regimental mess, and particularly for the improvement of young gentlemen joining. I was in two veteran battalions for a period together of four years, in which we established excellent messes. It was most entertaining to hear the old officers detailing their many deeds of warfare all over the world. It is delightful company when the officers are well united, which entirely depends upon the commanding officer. If he is of experience and of amiable disposition there will be harmony and good fellowship; he will be beloved by all ranks, and all will go on right. Every person assists him in the different duties with delight, all study his approbation. Such was the gallant Colonel C. M'Leod, killed at the head of the 43d regiment storming of Badajoz. There was not a man in that corps that night but would have stood between him and the fatal ball that struck him dead, so esteemed was he by all, and only twenty-seven years of age. We had, however, the good fortune in a few days to get under the command of the gallant and talented Colonel W. Napier.

5091. Suppose there were a certain class of officers raised from the ranks, who had not the means of living at the mess, do you not think that would be a very bad thing for the regiment?—It would; the gentlemen themselves would feel extremely hurt at it on being promoted, if they could not at once associate with their brother officers.

5092. In a military point of view, do you not think it would be a bad thing that a certain number of officers should be in such a situation that they could not join the mess?—Yes, I do; but not joining the mess for five or six months, they might save in that time as much money as would enable them to outfit themselves to join it. But on service there are allowances which assist an officer on his promotion, such as rations, bat, and forage. Immediately after I joined the 6th Regiment, I got some advantages to the extent of £20, that I should not have received if on home service. If the system I alluded to, of encouraging young gentlemen to enlist, be established, I would strongly recommend that each of them, on their promotion to ensigncies, should be presented with £30 at the public expense, and not be subject to commission fees. This would at once outfit and enable them to appear and associate in every respect with their brother officers, which would be most desirable. It would be a trifle to the public charge, but of great advantage to the individuals, and the service would be amply recompensed in return for it from the experience and fitness acquired by them to perform all military duties. I would also be for compensating them as ensigns for any severe wounds they might previously have received, as in the case now of volunteers. This would cause heroism, which should be urged never to be lost sight of. When I was wounded in the face from a musket-ball, and disfigured therefrom, and, although a volunteer on that occasion, but being a colour-serjeant, this was the bar, I was judged not entitled to compensation, although versed in all my duties; and a volunteer who had only joined a few days before was of our party, and wounded, but not as I was. He got a year's pay as ensign, and his commission before me. He is now a captain.

5093. You served but a short time after you got your promotion in consequence of your wounds?—Yes, I was but seven weeks with the 6th when I was disabled in action. Just that month was three years I had joined the service. On joining this corps I pointed out a particular circumstance to the officer commanding the company, to the advantage of the men. He instantly agreed to it; the men soon heard it was of my suggestion, consequently they referred to me in all instances after, while with them.

5094. You had no opportunity of seeing others who were promoted to be officers from the ranks?—Yes, I had. I have known men who were adjutants and quarter-masters; and I have met several others of different ranks in veteran battalions. I felt no pleasure in associating with them; I could not get into conversation with them.

5095. Why did you not like to enter into conversation with them?—Because, generally speaking, they were men of little or no information, nothing beyond military drill and discipline. Out of that subject they were lost in society, with very few exceptions. History of every description they appeared to be ignorant of; and really it was most distressing to see these adjutants on horseback in front of a regiment or elsewhere, owing to the very slovenly manner they sat in their saddles, and could not manage their reins. I have seen the soldiers turning them into derision, in which I have at times unavoidably joined. Being a first-rate horseman I at once saw their want of gracefulness and defect. I have seen them obliged to alight in fire for fear of being thrown, and some had no horse. There were in 1814 about two hundred battalions, and I found on reference to the annual Army List, that upwards of ninety adjutants were from the ranks. With respect to writing or correspondence also, I have known some of them to be totally incapable of performing that part of their duties. The regimental clerks were the persons who performed that part. In fact their only qualification to be adjutants was the knowledge they possessed of drill, and the ways and artifices of the men.

5096. Your experience of these officers that were raised from the ranks was not in their favour?—No; but I want a different description of young men to be encouraged to enter our ranks, as I did myself, and be raised by promotion from thence. My object is to have our present system improved; the service then would not be put to the necessity of forcing forward these (in many instances) corporally punished men, for want of better, to become serjeants and adjutants. That system would provide persons for these situations eligible in every respect.

5097. Did it appear to you that those persons, without mentioning names, became good and efficient officers?—Yes, they were good adjutants, well versed in drill, and all were attentive to their duties, but very deficient in other respects, as I have stated. And I never knew one of them but was disliked by the men, owing to their unkind and harsh manner towards them. When I joined the 2d Battalion the recruits were drilled early every morning, on which the

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serjeant-major used to go into the canteen at that hour with the drill-serjeants and corporals and drink at their expense. He became adjutant in that year, and went out to the first battalion, and nothing could exceed his tyranny towards these very men who had previously gone out. At a previous period, this person had been reduced from being pay-serjeant for embezzlement and sent to the king's works, to get out of debt. When the men found there was a likelihood of my promotion, they frequently said to me, "When you are promoted, do not be severe on the soldiers of the regiment, to which you will be appointed; we have always found that the severest officers under whom we have served were those who have been amongst ourselves in the ranks."

5098. Had they had education sufficient?—No, certainly not. I knew some of them who could not write when serjeant-majors.

5099. That want of education would unfit them for the society of the other officers of the regiment?—Just so; the other officers in consequence did not seem to me to wish to be in their society. Their manner and information were defective for the company of the other officers. I think, generally speaking, they themselves did not feel an anxiety to mix much with the other officers. They spent their time in the orderly office or barrack rooms, and in other respects attending to the various duties. The duties of an adjutant are so numerous that they will occupy nearly all his time if properly attended to. And it is my candid opinion, formed on experience, that all adjutants should be from the ranks for many reasons. He should be very well versed in drill; he is in possession of the arts and ways of the non-commissioned officers and privates in every respect which is most essential. They cannot impose on him, and they know it well; young gentlemen who have not been long in the service particularly are incompetent to all its duties. I know that he is imposed upon by these persons in many respects.

5100. You say that, in two hundred battalions, ninety adjutants were raised from the ranks; was the proportion of quarter-masters the same?—I found, on reference to the Army List of 1814, that all the quarter-masters appeared to have been from the ranks. They held no other commission. The two regiments of the line I was in, the four adjutants and four quarter-masters were from the ranks; but now several lieutenants and ensigns hold that situation.

5101. Are the adjutants generally persons who have served in the ranks?—No; a good many of them have, and in my opinion, they all should be, for the reasons I have assigned. When I was in Dublin, lately, talking to an old officer, who has been in a regiment a considerable time, he gave me a statement relating to his regiment: he knew my services well. I said, "What is your adjutant about?" He said, "He is one of the gentlemen adjutants, and you know he is not fit for it. He is more disposed to hunting, shooting, and parties, than to his duties."

5102. You say there are a considerable number of adjutants, and quarter-masters, and other commissions granted to men promoted from the ranks; supposing that young gentlemen, of the class you referred to, were desirous of entering the Army, do you not think they would have a better chance of obtaining these commissions?—I do; but there are so few, it is no encouragement to gentlemen to enter the ranks. A man may pass fifteen or twenty years in a regiment before he can get one; and besides, a young ambitious man would not like the appointment of quarter-master, except temporarily, as he would have no further prospects. I look on it as an appointment only fit for aged men. I would reserve it for such, or for an inferior class of non-commissioned officers.

5103. Would you confine the commissions to persons who have served a certain period?—Most certainly. They should serve from two to three years, and by that time become serjeants of different ranks, and then be promoted; and I would not confine this promotion in all instances to seniority. I would study to create emulation amongst these young fellows. I would at times promote a man of talent and acquirements before one senior in the service.

5104. Would you confine this promotion to single men or not?—No; although I disapprove very much of respectable men marrying when in the ranks, or non-commissioned officers; they must then do so to great disadvantage, and I think that no respectable man would do it, knowing that in a certain time, if their conduct merits it, they will be again restored to society, and may marry respectably. This was my feeling, I never lost sight of it.

5105. Would you confine the promotion to young men who have served a certain time in the regiment, and were not married at the time of receiving their promotion?—I would sooner prefer a man who had not married, but I would not bar a talented young fellow from promotion who had married, perhaps, foolishly, but who might be in every other respect a well-conducted and gallant fellow.

5106. You think the effect of a man being married is a considerable drawback upon the advantage of his obtaining promotion?—Indeed I do, for many reasons, unless he had got a fortune enabling him to appear respectable.

5107. You have spoken of corporal punishments in time of war; what is your opinion of them in time of peace,—do you see a possibility of doing without their infliction in time of peace?—I do not. I think the use of them cannot be done away with, in peace or war, with safety to the Army and its discipline, bearing in mind that we have some of the very worst characters in our ranks. Their knowing that resort can be had to it upon all occasions of crime is, in my opinion, preventive of such, above any other mode of punishment that can be devised. I would leave the power to all officers in command of regiments and detachments to inflict it, but resort to it as seldom as possible. I must, however, say, that I have seen instances of that punishment where it ought not to have been inflicted. I would try confinement to barracks, with drill three times a-day, in heavy marching order, together with extra duty; black holes, on bread and water, separate from each other at and during drills; dis-

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allowing pensions in case of repeated misconduct, and which should be made known to the men while serving; and, in extreme refractory cases, drumming out of the regiment. I would inflict these punishments according to the enormity or nature of the crime. It should, however, be borne in recollection, that in camp recourse cannot be had to some of these modes of punishment. Now, although I am for a continuation of corporal punishment, from conviction, on a limited scale, I have not, in any one instance, ever got a soldier flogged, (indeed, some under my command had deserved it,) or punished beyond what it was in my own power to inflict, such as guards, drill, and fatigues. I was very exact and attentive upon the manner of duty. In fact, every thing depends upon the officers commanding companies; if they be of experience, and attend to their men, and investigate every affair attentively, with impartiality and kindness, few complaints would reach the regimental commanding officer; and they ought by all means to pay their companies. I was in a regiment, and the quartermaster, (a man that could not write,) paid five or seven companies. Every means in their power should be used, consistently with the rules of the service, to encourage the good men by indulgence, and occasionally a trifle in advance to enjoy themselves. This I found to have had the very best effect in companies in my time. The observations and reprimands of the good men, in quarters and camp, do more to reform the bad characters than anything else I know of. I therefore, as an officer, invariably practised that mode, and found the happiest effects. I was never deceived by any soldier in whom I had placed confidence. In the late 8th Royal Veteran Battalion, on its being formed, I commanded a company of 108 men, for six months. I had no officer to assist me in the duties: at this period the captain joined. Some little time before it, a man in his liquor expressed himself somewhat offensively towards me. The only punishment I gave him was, that on the next parade of the company I alluded to his conduct. This had the effect I anticipated; his life became miserable to him, and they deputed one of themselves to express to me, before the company, their feelings on his impropriety. He was so rated at constantly by the men, that he came to me in a little time, and begged forgiveness pitifully; "otherwise," he said, "I shall quit the company." I did forgive him, in the presence of the company, and he was one of the best and kindest men afterwards.

5108. Supposing the promotion you propose were given, do you think that the fear of corporal punishment would prevent the young men you refer to entering the Army?—No, certainly not. What care they for corporal punishment, as far as relates to themselves? Their study would be circumspection upon all occasions; consequently they would never become subject to it.

5109. Have you any further observations to make to the Commission?—Yes. I think that if medals, or badges of some description, were more frequently given to our regimental officers for gallantry before the enemy, and to our non-commissioned officers and privates for bravery and good conduct for a certain period, there is nothing they would prize more highly than a distinction of that nature for former actions and toils; it would have the best effects. We all have feelings of emulation; and, as military men, if we feel or imagine within ourselves that our actions are deserving of a mark or emblem of distinction, we consider it ought to be conferred; we would feel a pride in displaying it when in uniform in passing the public at home or on service; it would call forth their notice, that we were men who from our conduct had merited that device. Besides it would be an excitement to young soldiers to become deserving of it. We know that in foreign armies such testimonials are given, and sometimes for trivial actions in comparison to what I know has been displayed by officers, non-commissioned officers, and privates in some of our regiments during the Peninsular war, and yet we have nothing to show for it, except the severity and mutilation of wounds. We military men know that in France the decoration of the Legion of Honour is granted to all ranks, and which the soldiers must salute, although worn by an old discharged warrior; and, besides, there is a yearly income attached to that order. This is, indeed, encouragement. I have seen a late regulation granting a medal to good men of long services on being discharged; this I consider of no benefit whatever to the service. Our military do not display them in coloured clothes; therefore confer them while in the service.

5110. You are of opinion that wearing a medal during the time of their service would have a good effect?—Yes, I do; it would, I know, have the most beneficial effect.

5111. Do you think that in general the depriving men of it in front of the regiment would have a good effect?—Yes, I do. I know that the men would study every circumstance in their power to retain it when once worn by them, and that no event could annoy or degrade them more, in their own and their fellow-soldiers' opinion, than depriving them of it. And really we who have served in the Peninsula felt acutely, on the difference that took place after the battle of Waterloo, that we had received no distinction. I have in veteran battalions met officers who obtained their medals for Waterloo, who I knew were not in that action, viz., paymasters, quartermasters, and waggon-train officers. Upon one occasion I felt particularly hurt when walking with them, so that I took care not to walk again with these in the streets; being disabled and disfigured from wounds, I felt annoyed, together with knowing that I had experienced ten times their fighting, and yet I had no badge, I had nothing to put me on the same level with them. The paymaster joined the service in 1814.

5112. You being a person of better condition in life, do you suppose that you felt more anxious upon the subject of distinction than the common run of soldiers?—I felt very anxious upon the subject; but I know, from feelings I heard expressed, that all ranks who had fought the battles of the Peninsula felt also very much on the subject, and that it created an unpleasant feeling, a jealousy. The two years' service to the battalion officers and soldiers, together with the medal, were considered by us too great a distinction for that one battle, considering what desperate events we were in through the Peninsula, such as storming, general

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action, and severe marching day and night, for several campaigns. The extra shilling to the lieutenants, and the penny to the privates after five years to them, were very much complained of, and caused much dissatisfaction.

5113. You stated that a man was punished on the ground of refusing to be a corporal?—Yes; it was looked upon as disobedience to orders.

5114. What was his objection?—He had no ambition, I presume. I have cited sufficient events which point out the necessity of some alteration being made. It should be borne in recollection, that, in the event of a future war, England will have to embody a numerous army to enable her to hold her foreign possessions; therefore, the efficiency of her military force, her junior officers, and non-commissioned officers, should be a paramount consideration. I am disposed favourably towards the military adventurers; they make the best regimental officers, and not the men of fortune, who purchase and go out when they please. The men who are depending on their profession will study to acquire every knowledge of it, because it is most essential for them to do so.

5115. Have you any other remarks to make?—Yes; with reference to corporal punishment, I certainly think there are too many lashes inflicted. My opinion is, that from 50 to 200 lashes form a sufficient extent for any one delinquent; and if any number (previously trying all other means) could correct a man, I think that extent of the punishment will, and it will have a sufficient effect on the bystanders. But it was shocking to see some of the punishments I have witnessed.

5116. Have you ever witnessed a punishment on board of a man-of-war?—No, never.

5117. You are aware their cats are heavier, and the number of lashes very much fewer?—Yes; but I think it is more cruel than our army system, because they used to be flogged through the fleet.

5118. Supposing that corporal punishment in the Army is put on the same footing as in the Navy, that a considerably less number of lashes should be inflicted with a heavier cat and by more powerful persons, do you think that would be a better system than the present?—I do not. I consider the cats now used to be sufficiently weighty, and the young men who generally inflict that punishment are powerful enough. In all cases of severe punishment I have witnessed, the men appeared to me, after 200 lashes, to be lacerated to a distressing degree.

[*The witness withdrew.*]

*Paymaster John Winterbottom.*

Paymaster *John Winterbottom*, of the 52nd Foot, was examined as follows:

5119. You are paymaster of the 52nd?—I am.

5120. How long have you been paymaster?—Upwards of fourteen years.

5121. Had you served in the regiment previously?—I have been upwards of thirty-five years in the 52nd Regiment. I have served as adjutant in the above regiment during the whole period of the war in the Peninsula and France. I was present and engaged in the actions of Vimiera, Corunna, Busaco, Salamanca, Vittoria, Nivelle, Nive, Orthes, Thoulouse, and Waterloo; the sieges of Ciudad Rodrigo and Badajoz, together with the affairs of the Coa, Redinha, Vera, Tarbes, and all the other various skirmishes, &c. in which the light division was engaged throughout the Peninsular campaigns. I have been three times severely wounded, viz., at Redinha by a cannon shot, at the siege of Badajoz, and at the battle of Waterloo by musket shots; from the last wound I still suffer considerably. Owing to my wounds, and the little prospect I had of advancement, in 1821, I accepted the situation of paymaster, being at that time, and for some years, the senior lieutenant of my regiment.

5122. Did you originally enter that regiment as a private soldier?—Yes.

5123. What countryman are you?—From the West Riding of the county of York.

5124. In what situation of life were you previous to entering the Army?—The cloth business, which is general throughout that county, near Saddleworth.

5125. At what age did you enlist into the regiment?—I think I was about twenty-one.

5126. Have you any objection to state the reason of your enlistment?—None. I was fond of the Army. My father was in pretty good circumstances, and I was fond of the Army from my youth. I had enlisted in two or three regiments previous to the 52nd; I volunteered from the militia; I was a balloted man into the militia, and volunteered into the 52nd.

5127. Previously to being balloted for the militia, had you enlisted?—I had enlisted in two or three different regiments, and my father had paid a good deal of money to get me away.

5128. Were you in the West Riding militia?—I was in the supplementary militia embodied in 1797.

5129. Was your father a clothier in that county?—He was, and traded at times to Huddersfield.

5130. What is called a domestic clothier?—Yes.

5131. He lived in a house with a certain number of looms in it?—He did.

5132. Not a master manufacturer?—No, he was not.

5133. To what extent?—There were at that time a great many that were called little clothiers that made one or two pieces in a week, or perhaps four or five in a month; he was one of that description of men.

5134. The men made the cloth in the house in which he lived?—He purchased, in many instances, the whole, and put it out and got it finished at the different mills, and went with it himself sometimes to Huddersfield, and at others he sent it.

5135. And stood in the market in Huddersfield?—Yes.

5136. You joined the militia in the first instance?—I did.

5137. Where was that?—At Wakefield.

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5138. Were there many of the men in the supplementary militia balloted, or were they generally substitutes?—There were not many balloted, they were generally substitutes.

5139. Were there many men in the same class of life you had been previously in?—There were from that part of the country a good many, as many as fifteen or twenty, that served their own ballot, because they could not hire substitutes, the expense was so great.

5140. When you joined the regiment, did you associate with those men, or generally with the rest?—I associated with the men of the company to which I was attached, one the same as another.

5141. Did you find any discomfort in this society?—I found it rather strange at first, but it became quite a habit; I felt quite reconciled to it.

5142. Were they generally well-behaved men?—They were, as long as I was in the militia.

5143. From what part of the country did the substitutes come?—They were mostly from about Wakefield, Halifax, Huddersfield, Marsden, and Saddleworth.

5144. Were they generally the inhabitants of the great towns?—They were, and from the country as well.

5145. They were a class of a lower order and lower habits?—Some of them were.

5146. How long did you remain in the supplementary militia?—I remained till the year 1799, when I volunteered into the 52nd Foot.

5147. Where was the 52nd at that time?—They were stationed at Chelmsford barracks when I joined them.

5148. Did you find in the 52nd very much the same class of men in point of society you had left in the militia?—I did; they were mostly composed of volunteers from the militia. At that time we had two battalions then in Chelmsford barracks; I was appointed to the 1st battalion.

5149. On joining that regiment you found yourself at home in that society as you had done in the preceding?—Quite so.

5150. Did you find the older soldiers in the regiment of lower and more dissipated habits than you had been accustomed to?—There were a few certainly of the elder soldiers that had returned from India that were given to drinking, but those were principally the men that had served a long time in India; there were but few of them.

5151. While you were in the supplementary militia, had you occasion to witness any corporal punishment?—Very seldom. I think in only two or three instances.

5152. For what sort of offences were those inflicted?—I think there were but two instances, one of them for being drunk on the march, the other for insolence to an officer.

5153. The first time you witnessed this punishment, what effect had it upon you?—I felt rather extraordinary the first time, I must acknowledge; the first time I saw it it rather deterred me a little.

5154. When you say it rather deterred you a little at the time, do you mean to say it had the effect of making you more unwilling to put yourself into that situation?—It made me more careful of my conduct.

5155. Did it appear to you to have the same effect on most of your companions?—A great many.

5156. Did you feel any great disgust at the sight of that punishment?—No, I do not know that I felt any great disgust; I felt rather afraid of it.

5157. Did it, upon the whole, appear to you to serve as an example of the consequences of misconduct?—I think it did.

5158. And that it had a tendency to deter you and others from putting yourselves into that situation by misconduct?—Decidedly so.

5159. Have you, since that, seen a great number of corporal punishments?—In the early part of my service in the 52nd, a great many.

5160. Your impression generally was, that it was a punishment which had the effect of deterring the persons who witnessed it from committing offences?—A great many,—I have no doubt of it; but after a certain time of my service in the 52nd, my conduct was such that I never dreamt of the effect; but I think with respect to others it had.

5161. What effect did it appear to have upon those on whom it was inflicted?—It put a stop to that violent conduct in a great many of the men.

5162. Are the Commissioners to understand that it has a good effect on the men in the early part of their service, and not the latter part of it?—It has the effect of deterring them from committing crime.

5163. It produced an effect on your mind in the early part of your service?—It did.

5164. Can you state any bad effects which you think have arisen, from the sight of that punishment, to the soldiers who witnessed it, such as hardening them or making them more reckless?—No, I do not know that I can. I think I have known one instance in the early part of my service in the 52nd, in the company I served in; but that was the only one.

5165. Was the man an ill-behaved man?—He was a very violent man when he was in liquor, and very frequently so.

5166. He underwent other punishments before that, probably?—Yes; but they had not the slightest effect upon him.

5167. After the first infliction of corporal punishment upon this man, what effect did it appear to have upon him?—The man generally committed a crime when he was in liquor; but after he had been punished and restored to his company, he was as quiet and orderly as any man in the company.

5168. Do you mean to say he was never punished a second time?—He was punished twice.

5169. After the second punishment, did he become reckless?—No; far from it.

5170. Then with respect to that man, it had the effect of reforming him?—Yes.

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5171. Have you seen many instances of that?—I have known many cases of men having improved after corporal punishment.

5172. Have you seen instances of men who have become reckless and worse soldiers than they were before?—I do not recollect that I have.

5173. As far as your experience goes, corporal punishment has the effect of example to those who have not committed crime, and of deterring the individuals who have committed crime from a repetition of the offence?—Yes, most decidedly.

5174. From your experience, do you think that the Army could be kept in a proper state of discipline in Great Britain and Ireland, if the power of corporal punishment were done away with?—Decidedly not. I think it would be impossible to command some men without it; that the commanding officer should have the power, it should be exercised sparingly.

5175. Since your entering the Army, the actual infliction of corporal punishment is much less frequent?—Yes, very much; and particularly so since the peace.

5176. In the mode in which that punishment is now inflicted, are you of opinion it is more frequently inflicted than is absolutely necessary for the maintenance of discipline in the service?—It is not in my own regiment, certainly.

5177. Who commands your regiment?—Colonel Fergusson.

5178. Have you had any corporal punishments in the regiment within this year?—Yes, I think we have in two or three instances.

5179. So that Colonel Fergusson has not been able to keep up the discipline of the regiment without having recourse to it on certain occasions?—It is quite impossible for him or any other commanding officer; and any soldier in the 52nd, or any other regiment, who has been in the service for any length of time, will state that it is quite out of the question; every steady soldier will say it is impossible.

5180. Supposing it were possible to have military prisons in every district in which a soldier, who was a culprit, should be confined and kept to hard labour, and also solitarily confined if thought necessary, do you think a system of that description would enable the commanding officer to get rid of corporal punishment entirely?—Certainly not. It would prevent a great deal of crime, perhaps, if it could be done, keeping each soldier separately, that he should have no communication with any others; but I do not think it could prevent altogether corporal punishment.

5181. Do you think it would be dangerous to the discipline of the regiment, if such a system were established, to do away with the power of corporal punishment?—The commanding officer should not be deprived of the power.

5182. You do not think it would enable him to do away with corporal punishment?—Certainly not.

5183. For certain offences you think immediate example is necessary?—Yes.

5184. Would you confine the power of corporal punishment to those instances?—There are very few instances in which corporal punishment need be inflicted on a soldier, but there are some men that you cannot deal with without it. The men will say that themselves, and I have heard many men say it is impossible they can do without corporal punishment; and men who have been actually punished have said it has been of the greatest service to them: when they have got well and joined the company they have said that very punishment has been of great service to them. Their conduct in a great many instances, previously, has been very violent, and I have known them afterwards good soldiers.

5185. Do you think punishments should be inflicted as soon as possible after the sentence of the court martial?—Yes, immediately after, if possible.

5186. You are of opinion that the sooner the punishment follows the offence the better?—Certainly.

5187. You know now that after the sentence of a court martial, it has to be confirmed before it is carried into effect?—If it is a district or general court martial it has, but the sentence of a regimental court martial takes effect on the spot.

5188. Suppose the punishment to be inflicted in those cases in which there must be a delay previously for confirmation, do you think the effect is the same as when it is administered immediately?—I think not. In violent conduct of a soldier, it is impossible to avoid it for the sake of example.

5189. If men of a different class of life could be induced to enlist into the Army, do you think that would make a difference as to the necessity of corporal punishment?—I think a great deal, if anything was held out to soldiers and to non-commissioned officers in particular to encourage them to behave better.

5190. Suppose a certain number of commissions in each regiment were reserved for non-commissioned officers, do you think that would have the effect of bringing in a better description of men?—Yes, for the serjeant now has no object whatever to look forward to. If he had anything held out to him by way of promotion, he then most undoubtedly would conduct himself better, and a private soldier would be induced to behave better to get promotion.

5191. How long were you a private of the 52nd?—Eighteen months.

5192. Did you then become a lance corporal?—I did.

5193. From that time you went through all the ranks up to serjeant-major?—I was a private eighteen months, a corporal a year and a half, I was a serjeant two years, and a serjeant-major three years.

5194. Then you got a commission?—Yes.

5195. How long, after you entered the 52nd, was it that you got your commission as adjutant?—I entered in 1799, and got my commission as adjutant at the end of 1808.

5196. What age was you then?—I was about thirty.

5197. How long did you serve as adjutant?—Thirteen years.

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5198. When you first got your commission, your fitting out was attended with expense?—It was.

5199. How did you find the money; from your friends?—An uncle of mine supplied me with part of it, and I had saved a little.

5200. So that you had no difficulty in fitting yourself out?—I had several presents from the officers, a present of a horse from the commanding officer, and a saddle and saddle-cloths from the officer whom I succeeded.

5201. Supposing that you had no such means of being assisted, should you have found much difficulty in getting equipped?—I could not have done it without getting into debt with the paymaster.

5202. You were twenty-nine years of age at that time?—I think about twenty-nine or thirty.

5203. Do you not think that is rather too late to begin the service with the expectation of high rank?—I had no expectation of attaining the rank of adjutant until I was appointed serjeant-major. I then determined to work hard, for I expected promotion.

5204. Supposing you had at that age got your commission as an ensign, you would have had to mix with very young men?—Yes.

5205. Very much your inferiors in point of years?—Yes, and not at all pleasant.

5206. Then you would have found a considerable inconvenience?—I have no doubt of that.

5207. As you received your commission as adjutant, you had a special duty to perform, and it was not necessary for you to mix so much with those young men?—Of course; I could not do so.

5208. Did you mess with the officers of the regiment on first getting your commission?—I did; and messed with the company's mess, being on service.

5209. Did you find yourself immediately at home in the society of those officers?—Not for some time.

5210. You felt yourself uncomfortable?—I did not feel myself uncomfortable, but found it different to the society I had previously been in.

5211. Are you a married man?—I am.

5212. Were you married at that time?—I was not.

5213. Supposing you to have been a married man, do you think your obtaining a commission as ensign, would have been introducing you to a situation of more comfort?—I do not think an ensign should be married.

5214. Are not a great proportion of the non-commissioned officers married by the time they arrive at twenty-nine?—I am sorry to say there are too many non-commissioned officers married in the service.

5215. Should you recommend that the men of twenty-nine or thirty, who are married, should obtain commissions as ensigns?—If a man's conduct deserve it, I think he ought to obtain that promotion which has been held out to him, though he is a married man; although it may not exactly be a benefit to the service, it would benefit the man.

5216. That is to say, he would receive more pay?—He would.

5217. But would he not be at more expense?—He would.

5218. Taking the man in the rank of life in which he is, and all the circumstances of the case, would he not be as comfortable as a serjeant as he would be as an ensign?—Most men would, for they are obliged to keep different company as an officer. In many instances, a serjeant, who is a married man, is more comfortable than an ensign would be upon his pay, with a large family.

5219. Does not the carrying on of the discipline of the regiment with satisfaction to all parties very much depend on the footing on which officers are living together?—Very much indeed.

5220. Suppose the introduction of officers from the ranks was to make any alteration in that respect, do you think that would be a good thing for the officers in general?—If the question refers to married men, I think an officer should not be married if it can be avoided. The mess loses their society, and they cannot attend to their duty equally with unmarried officers.

5221. Suppose, without being married, those serjeants, although perfectly good men as serjeants, and distinguished in every respect as such for bravery and intelligence, and so forth, and yet, from want of education, not being able to live comfortably in the society of the officers, would it be for the good of the regiment?—I think not, nor for the individual.

5222. Therefore, with respect to the promotion of a non-commissioned officer, it should be confined to persons of a previous education and standing in society?—Education is important in the Army, more particularly so to the rank of an officer.

5223. A serjeant, promoted to the rank of an officer, has been accustomed to another class of society to that which he comes into when he becomes an officer?—Quite so.

5224. Unless he should be a man of particular intelligence of mind, that circumstance would prevent his being at ease in the society into which he was introduced?—He would not be recommended if he was not perfectly capable to perform the duty in every respect.

5225. It being an object to keep up the society of the regiment as much as possible, and that the officers should live together on terms of friendship, and according to the courtesies existing among gentlemen, would it be advisable to introduce into that society several persons who have been accustomed to an entirely different rank of life?—I do not think that would be an injury to it, provided they were steady men, and worthy the situation.

5226. Still you must be aware that, in point of the tone of society, there is a great deal of difference in different ranks?—A great deal.

*Paymaster John Winterbottom.*

5227. Therefore a person must endeavour to adapt himself to the tone of society into which he is raised?—A man may strive to do that.

5228. At first it is not so easy?—No; he is obliged to act with caution till he does feel more confidence.

5229. Supposing that by the introduction of a considerable number from the lower class the tone of society were deteriorated, would that be a bad thing for the Army?—I do not think it would, for they become accustomed to the habits of officers by attention to what they observe.

5230. Do you mean to say, that you think a regulation that a certain number of commissions shall at all events be given to non-commissioned officers would be advisable, or that certain non-commissioned officers should be promoted?—As they deserve it by steadiness, activity, and intelligence.

5231. Are you aware that in the French service a certain number of commissions in every rank are reserved for the non-commissioned officers?—No, I was not aware of that.

5232. Supposing that to be the case, is that what you mean, or that an individual who has conducted himself well should from time to time obtain a commission?—From time to time.

5233. You would not propose a rule that a certain number of commissions should be given to non-commissioned officers?—No, as men deserve it by showing themselves worthy of promotion.

5234. You think that is not carried far enough in the Army?—I think it is not. I think that would have a very good effect.

5235. Supposing all the adjutants' and quartermasters' commissions were to be given to non-commissioned officers, and a certain proportion of paymasters' commissions, would that be sufficient to satisfy your idea?—I think that the non-commissioned officers should be made adjutants and quartermasters. The paymaster is quite another situation—a civil situation, having very little to do with the service.

5236. Suppose there were a regulation that all the commissions of quartermasters should be given to non-commissioned officers, would there be a sufficient number given to that class of men?—That would have a decidedly good effect.

5237. Would it answer as well as, or better than, including a certain number of ensigncies?—I think it would.

5238. Were you at Waterloo?—I was.

5239. You received the medal?—I did.

5240. Were there many men in the regiment that did so?—A great many. Eight hundred I suppose.

5241. Were they proud of that medal?—They were. I am myself.

5242. Supposing a man to have misbehaved himself, and by a sentence of court martial to be stripped of that medal in front of the regiment, do you think that would be a considerable punishment to him?—Very great indeed. A soldier looks more to showing his medal to the public than he does to the regiment.

5243. Supposing him to be deprived of it in front of the regiment, would not that be a severe punishment?—Very severe.

5244. Supposing there were an order of merit, descending to the very lowest rank in the Army, which should consist in their wearing something in their dress, do you think that would have an effect on the soldier as conducing to good behaviour?—Very great indeed; I am satisfied of that, I have heard it spoken of by the men so often.

5245. The former question refers to a certain length of service with good conduct, or any marked action of bravery, or activity, or something of that description?—A soldier looks a great deal to his discharge after a certain period of service, say 21, 22, or 23 years, and to fall back to a pension. He looks to that more than anything.

5246. While he is serving, some distinction or other to encourage good conduct would, in your opinion, be useful?—I am satisfied it would have a very beneficial effect.

5247. You are equally satisfied that the deprivation of it, in case of committing an offence, would be a very considerable punishment?—Very great.

5248. And that without any increase of pay following that distinction, a mere honorary distinction?—I think so.

5249. While you were a private in the regular Army you were generally on service?—A great deal on service.

5250. So that you have been pretty fully occupied?—Very much so indeed.

5251. A soldier quartered in barracks in England or Ireland has a great deal of time upon his hands?—He has.

5252. Did it ever suggest itself to you that means might be found of employing the soldiers during that leisure time in a way to draw them from the public-house, and their habits of dissipation, by reading or playing games?—The regiment I belong to has generally been in the habit of amusing themselves during the summer months in playing foot-balls, fives, rackets, cricket, which is, at all times, very much encouraged by the officers.

5253. You encourage that as much as you can?—Yes, we do.

5254. Do the men make use of those things?—Yes; they are very fond of them.

5255. Do you find that it does draw them away from scenes of dissipation?—I think it does.

5256. It has not the effect of making them drink more, in consequence of the exercise they take?—No, I think not.

5257. Have you any library or reading room in the regiment?—We have a non-commissioned officers' library, and the officers subscribe to it as well.

*Paymaster John Winterbottom*

5258. It is distributed only to the non-commissioned officers?—The soldiers too, if they choose.

5259. Do the privates and the non-commissioned officers take advantage of it?—They do, very much.

5260. Do you find that those men who do take advantage of it are generally better behaved than those who do not?—I think so. We have a very large school also in the regiment, which is an excellent thing; the men go to it of their own accord.

5261. Do they pay anything?—It is very trifling; perhaps 2*d.* a week to the serjeant.

5262. Still notwithstanding all those means you have cases of drunkenness?—We have sometimes.

5263. Is that only casual or at particular periods?—At particular periods; I do not think our men drink a great deal.

5264. But there are instances of drunkenness from time to time, and they lead to instances of insurbordination?—Yes.

5265. That is the general cause of the offences which occur in the Army?—Yes, it is.

5266. If you either diminish or do away with the vice of drunkenness, you think the regiment might be better conducted?—Yes, most undoubtedly. The canteens which are established in almost all barracks being allowed to be opened at such an early hour in the morning is very injurious to every regiment quartered in them.

5267. By any other circumstances?—No.

5268. At what time in the morning are they opened?—Immediately after the *reveillée.*

5269. Is that under the direction of the commanding officer?—I believe the general commanding the district has the power to put a stop to this.

5270. Do you know any instance in which the opening of canteens has been later in any district than the time you mention?—No; they were opened at that time in the morning in every barrack I have known.

5271. At what time would you prefer their being opened?—After the men's breakfast.

5272. On what account?—Because some of the men will frequent the canteen before breakfast.

5273. Then they are more difficult to be managed in the course of the day?—Some of them are by their being allowed to frequent the canteen before breakfast; it unsettles them for the day.

5274. Do you think getting rid occasionally of very bad subjects would be advantageous?—I think it would be an excellent thing.

5275. You find the punishments confined to a few men in each company?—We do. We have one or two or more, now, that have been in confinement five, six, and seven times, after trial by court martial, because Colonel Fergusson will not inflict corporal punishment, if he can avoid it.

5276. The other men do duty for those individuals during that time?—They do.

5277. The getting rid of those men from the regiment would be beneficial?—Yes, a very excellent thing.

5278. Do you think it will induce men to misconduct themselves with a view to getting their discharge?—No, I do not think it would. These are such notoriously bad characters that nothing can be done with them. You will find men of this description in almost every regiment.

5279. They must be punished several times before you can get rid of them?—Yes; we have several men who have been in confinement, under sentence of court martial, four, five, and six times. There is one man who was confined some years ago, then a very troublesome man indeed. At last Sir John Colborne had him corporally punished, and since that he has been as good a soldier as any one that is in the regiment. He is now a serjeant, and is a very steady non-commissioned officer.

5280. The men you have been speaking of are the sort of men that no punishment would be likely to reclaim?—There are one or two men now in the regiment that no punishment would reclaim. I think discharging men of this description would not have the effect of inducing other men to misbehave in order to obtain their discharge.

5281. Who do you think the best person to discharge men of that bad description, should it not rest with the commanding officer or superior officer?—I think the commanding officer, in the first instance, should recommend it, because he is the person that must know their character. He would make his report to the commanding officer of the district.

[*The witness withdrew.*]

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*Tuesday, 2d February,* 1836.

The Right Hon. LORD WHARNCLIFFE in the Chair.

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*Colonel Robert M'Cleverty, Royal Marines,* was examined as follows:

*Colonel Robert M'Cleverty.*

5282. You command the Woolwich division of Marines?—I do.

5283. You had occasion to punish a man of that division in the course of the autumn, which punishment was followed by the death of the person?—Yes; his name was James Ramsey; I have the minutes of the court martial with me, if the Commissioners wish to see them.

5284. What offence had he committed?—He had been very irregular during the time I was abroad, (I was in France three or four months during the autumn,) and was reported so

*Colonel Robert M'Cleverty.*

to me by Colonel Wingrove, second commandant, on my return; and he was reported afterwards as being extremely irregular, when detached at Deptford Dock-yard: he had endeavoured to stab two men in the hospital. I understood he was an orphan, had been brought up at Bristol without education, and his conduct was extremely violent.

5285. How long had he been in the regiment?—About two years.

5286. Had he been punished corporally before?—No, not corporally.

5287. Had he been punished in other ways?—Yes, he had, but only by confinement or the club-drill.

5288. Had he ever been sent into confinement in a gaol?—I think not; but I have the court martial book with me, I can refer to it, and the Commissioners will see the whole of his conduct; the adjutant and serjeant-major are both here. They have brought the court martial book, and the defaulters' book.

5289. What was the particular offence for which he was tried upon the occasion on which he was punished?—He was extremely irregular in the infirmary, and had gone away. He had deserted from the infirmary, and was taken up in London.

5290. He was then brought to a court martial?—He was.

5291. What was the sentence?—The sentence was 150 lashes.

5292. Was he in good health at the time?—He appeared so.

5293. He had not been reported sick?—Certainly not.

5294. Had he been a person occasionally ill before?—No other illness than he brought upon himself,—no constitutional illness.

5295. Were you present yourself at the punishment?—I have commanded the division for 10 years, and there never has been a lash inflicted when I have not been present, for this very obvious reason, that if I saw a reason for remitting a part of it I might exercise it. I did not choose to delegate that to others.

5296. Did he receive the whole 150 lashes?—No, he received only 134.

5297. How came you to remit the other 16?—Because the surgeon was there, and he desired him to be taken down. He was sentenced to be drummed out after his punishment, and I spoke to the surgeon before he received that number of lashes, to know whether his back would be marked after his discharge, that he might not get another service. The fewer he got, the sooner he would be out of the hospital, and the sooner we should get rid of him. He said, "I do not think he will be marked," but soon after he said, "I think he had better be taken down,"—but there was no fainting, no exhaustion, and he was taken down, and marched away to the hospital.

5298. You did not take him down in consequence of there appearing any danger to his life?—I have been 58 years in the service, and, of course, have seen a great deal of punishment, and I never saw a man punished in any way that ran the smallest risk of his life; and, in the early part of my service I have known 500 lashes frequently inflicted.

5299. Your punishments when you are on shore are inflicted by the same instrument as is used in the land forces?—Yes, exactly so.

5300. After the man's death what steps did you take with respect to the coroner's inquest?—The moment he died I wrote to the proper authorities, stating that the man had died of locked jaw, having received a punishment on such a day, and requesting that the proper steps might be taken to hold an inquest.

5301. What period elapsed between the punishment and the man's death?— I think between the 7th and the 21st or 22d; about a fortnight. The two letters I wrote, one to the coroner, are with the proceedings.

5302. Was there any considerable feeling shown in the town or the neighbourhood upon the subject?—It did excite considerable attention, and some persons made themselves very busy on the subject.

5303. With respect to the division,—was there any great sensation produced by it in the division itself?—Not at all; none whatever.

5304. Have you, since the circumstance happened, heard of any feeling that has been evinced in the division that the man was more harshly treated than he deserved?—On the contrary.

5305. In the year 1835 it appears that the number of lashes awarded considerably exceeded the number awarded in any other year since 1826?—Frequently we have large detachments come on shore with large sums of money, and that year there was £7,000 distributed among the men.

5306. Has there been any alteration in the power of the commanding officer to inflict punishment of late in the marines?—No; the restriction to three hundred lashes is not of very long standing. The only punishments we have are thirty days' hard labour, and twenty days' solitary confinement; and three hundred lashes is the extent of corporal punishment.

5307. You are understood to say that the number of punishments depends very much upon the quantity of money in the possession of the soldier?—Yes, of course it will. Our first class men, after paying for their mess, and their washing, and all their stoppages, have 5*s.* 1*d.* a week to do whatever they please with.

5308. What do you call the first class men?—Those who have been longest in the service, and who have additional pay in consequence.

5309. How came they to have so large a balance weekly?—It is their pay.

5310. Have they not to pay for their necessaries out of that?—Of course, if they have any necessaries supplied to them they are put under stoppages for it, but I refer to stoppages for their messing and washing. I do not refer to the stoppages for necessaries, for that, sometimes, is a great deal more than their pay. We have a garden that they pay a 1*d.* a week to,

*Colonel Robert M'Cleverty.*

and a ½*d.* to a man that shaves them, and a lying-in fund that the men contribute to. But these are trifling deductions, and after that they have what I have stated.

5311. When they first return to their division from on shipboard they have a considerable sum of money to receive?—Yes; and if they have a large sum £3 is kept to their credit upon the company's ledger for the supply of their necessaries, and, if they have not a large sum, so in proportion.

5312. They are very seldom in debt?—There is very little debt except from the men who desert and sell their necessaries.

5313. They are not so frequently in debt as the soldiers in the Line?—No.

5314. So that they have that 5*s.* 1*d.* weekly to spend in any way they may think proper?—Yes; there is one circumstance not generally known touching the payment of our men, and I regret to say a great many naval men know nothing of it; our men pay 4*d.* a day for their rations on board a ship while the seamen do not.

5315. Notwithstanding that, they have a considerable sum to receive on coming home?—They sometimes receive £30 or £40 on coming home. I recollect a detachment of which the least that any man had to receive was £80.

5316. Does the receipt of that money lead to intemperance?—Of course it does, with themselves and their comrades, in many instances.

5317. Do you find those persons who have been some time on board ship, and received this sum of money on returning to the division, more difficult to bring under discipline?—Of course; if they are men of dissolute habits they will wallow in those dissolute habits, but the more careful men take care of their money.

5318. Do you know any instances of their putting by their money?—Yes, yesterday I took up £100 for a serjeant, which he had saved in the Isle of Ascension; I took it from the paymaster yesterday.

5319. Have you any savings' bank established in the division?—No, it is impossible, from our fluctuations, that we can do it. Our duty is all done by detachments; perhaps there may be one hundred men, consisting of five from each of the twenty companies. There is a savings' bank in the town into which I know some of them do put their money. I have had the care of their books.

5320. You are not aware that there has been a feeling of disgust or annoyance among the men of the division, in consequence of the punishment you have referred to?—No; on the contrary, I would fearlessly take them out. I have served for fifty-eight years, and have commanded that division now for ten years.

5321. Having served for fifty-eight years, what is your opinion with respect to corporal punishment? Are you of opinion that the discipline of the marines can be kept up without corporal punishment, while they are on shore?—I should say it is impossible under the present Mutiny Act and Articles of War. If you can substitute any other punishment, in the place of corporal punishment, that is another thing, but I know of none.

5322. No punishment occurs to you which can be substituted for it?—No.

5323. Have you ever tried the punishment of solitary confinement?—There are two men at Brixton now, and two in the cells in barracks, and two under sentence of court martial at this moment, and another under sentence of a general court martial, to be transported; for selling the soldiers' necessaries has gone to that abominable extent it must be checked. Thirty years ago we rarely heard of such a thing, but now there is not a day it is not practised. If their knapsacks are locked up they will sell their shirts and their shoes off their persons.

5324. Supposing you had the means of confining the men in solitary cells in the barracks, and of putting them to hard labour, are you of opinion that would prevent the necessity of corporal punishment?—I do not think it would. We have three solitary cells now in the barracks, and we have two men at Brixton and one at Maidstone at this very instant.

5325. Of course you have had others at Brixton and Maidstone?—Yes; we are never without them there.

5326. What effect has their confinement had upon the men upon their return to the regiment?—I have never seen them much pulled down.

5327. Have you seen them reformed in their habits and avoiding the offence for which they had been imprisoned?—In my opinion that is of rare occurrence; I should not expect it; for what sort of people do they associate with?

5328. Were the men of whom you spoke as having been sent to Maidstone and Brixton employed on the treadmill or put into solitary confinement?—At Brixton they are put on the treadmill; I cannot say how it is at Maidstone.

5329. Have you known men better soldiers after corporal punishment?—I have had a man thank me for flogging him, he has been so much better for it.

5330. Have you known in point of fact that men after having been punished by the lash did behave better?—Certainly.

5331. You think it has more effect in deterring them from committing the same offence again than imprisonment?—Most undoubtedly.

5332. What sort of cells are those solitary cells of which you speak in the barracks?—There is very little light more than a skylight.

5333. Is the communication between prisoners in them and persons out of doors completely prevented?—Completely. When there are only two we put them into the two end cells, leaving unoccupied the centre cell, but if there are three we cannot do that.

5334. To what extent have you carried the punishment?—Twenty days, sometimes fourteen days, but more generally twenty.

5335. Is it your opinion that the infliction of corporal punishment has the effect it ought to have, of deterring the individual from committing the offence and others also?—I am afraid

*Colonel Robert M'Cleverty.*

that the disgrace of corporal punishment does not attach so much to the man by his comrades as is generally supposed.

5336. Do you apprehend that the disgrace arises from the nature of the punishment, or that of the offence he has committed?—I suppose the degree of punishment.

5337. Has there been any diminution in the power of the commanding officer to punish on his own authority by any regulations in the marines of late years?—No; I very frequently punish men by giving what are called recruit drills—extra drills.

5338. You are aware there have been considerable restrictions on the commanding officers' power in the Army of late years?—We have the same restrictions, I think, except that we are restricted to 300 lashes, and the Line are to 200 lashes.

5339. On what principle is it that your restriction is wider?—I cannot say. I have nothing to say as to the rules and regulations. I think the Army were at one time restricted to 300, and that they have been of late restricted to 200, but our divisional courts martial have the power of doing so. In my day, 500 or 600 lashes was common, and I have known men brought out twice or thrice; but at that time there was no other punishment, no solitary confinement nor punishments of that nature.

5340. Are your men tried by garrison court martial?—They are amenable to it. We never had a garrison court martial, but they are amenable to garrison court martial, being part of the garrison.

[*The witness withdrew.*]

*Lieutenant and Adjutant Edward Bathurst, Royal Marines,* was examined as follows:

*Lieut. and Adjt. Edward Bathurst.*

5341. You had a punishment in your division of a man of the name of Ramsey, in the course of last autumn?—Yes, we had.

5342. That was followed by the man's death?—It was.

5343. At what time was it?—I cannot speak to the particular period; about two months ago.

5344. What was the particular offence for which he received that punishment?—Continual disobedience of orders, and selling of necessaries, for which minor punishments had been ordered by the commanding officer, which he did not choose to do; he refused undergoing them.

5345. When you speak of having been sentenced to minor punishments, what were they?—He was ordered extra drills, club drill among them, and ordered to be confined to barracks. He broke out of barracks; and these sorts of punishment were constantly ordered him.

5346. Did he refuse the drill?—Yes; he broke out of barracks, and was absent.

5347. Was that shortly before he received that punishment?—Yes; during the time he was under the extra drills he broke out.

5348. Was he brought to court martial for that gross act of disobedience?—For continued disobedience,—this was part of it,—absenting himself from barracks during confinement, and selling his necessaries.

5349. Was he brought back to the barracks?—I think he was brought back.

5350. Had he refused to attend drill?—He had done a part of it, and then had left the barracks before he completed his drill. If he had been ordered a week's drill, he did one drill, perhaps, and then absented himself in the face of the commanding officer's orders.

5351. Did you undrestand that when he was ordered to drill he refused it?—No, but that he left the barracks; he was ordered to be confined to barracks, and left them during the period he ought to have been in barracks performing these punishments.

5352. Was that the first time he had ever been brought to a court martial?—No, he had been several times brought to a court martial. This is a list of the charges on which the prisoner was tried. *First Charge.* For irregular and unsoldierlike conduct, in absenting himself from head quarters without leave,—viz., taptoo of the 28th ultimo, morning and evening parades, and taptoo of the 29th ultimo, thereby breaking his barrack confinement which was ordered him by the commanding officer for a former offence, and being deficient of a part of his necessaries.—*Second Charge.* For disobedience of orders, and behaving in a riotous and disorderly manner in the streets of Woolwich on the night of the 29th ultimo, and also for riotous conduct whilst confined in the black hole on the same night.—*Third Charge.* For making use of abusive and threatening language to corporal Thomas Hughes whilst in execution of his duty, on the 4th instant. He was tried by a court martial on the 18th May, 1835, for absenting himself from quarters, without leave, on the 13th instant, and not returning until the 15th instant, and also for being deficient of part of his necessaries. His sentence was 14 days' solitary confinement in a cell on bread and water, and, further, to be put under the usual stoppages until the deficiencies of his necessaries were made good.

5353. Was that sentence put into execution?—Yes.

5354. Did he undergo the whole of that 14 days' solitary confinement?—Yes; here is this remark: "This man absented himself 8 parades, and 13 taptoos, and otherwise irregular between the 14th June, 1834, and the 12th May, 1835," for which offences he was ordered minor punishments.

5355. Was he tried again between that occasion of May, 1835, and that to which you before referred?—No; that was on the 6th November, 1835.

5356. Are you at all aware how he had conducted himself between May and November, 1835?—I recollect that, before he was tried by court martial the first time, his conduct was extremely irregular.

5357. After he had undergone the punishment of solitary confinement for fourteen days, did you perceive any amendment of his conduct, and for what time?—No, I lost sight of the

man. I believe his conduct was nothing very gross, but that he was occasionally brought before the colonel.

*Lieut. and Adjt. Edward Bathurst.*

5358. Have you the defaulters' book with you?—I have.

5359. Will you refer to the defaulters' book, and see whether his name occurs in that book after the first court martial, and before the second?—This book commences in June, 1835. At the commencement of this, it appears that he had previously been absent eight parades and fifteen taptoos, three times for irregular conduct, once tried by court martial for being deficient of necessaries, then breaking his barrack confinement, for which he was ordered three extra guards by a field officer; absent on taptoo on the 7th June, 1835; he was then ordered seven days' club drill; insolence and disobedience of orders on the 9th June, ordered twenty-eight days' club drill by the commanding officer; he was then absent one taptoo when confined to barracks on 14th June, to recommence the drill ordered him before by the commanding officer. Then irregular conduct on the 23d September, fourteen days' club drill at Deptford; irregular conduct on the 23d September, again, sent to head-quarters from Deptford; breaking out of the infirmary and remaining absent till brought in by escort from London on the 19th October, for which he was forgiven. Last of all, the offence for which he was tried, deficiency of one shirt, one pair of stockings, irregular conduct in running from the picquet, and insolence to the serjeant of the guard, for which he was tried by court martial on the 6th November. In the court martial book there is the following remark:—"This man was tried by a divisional court martial on the 18th May last, since which period he broke his barrack confinement twice, attempted to injure one of his comrades by drawing his bayonet on him, and deserting from head-quarters on the 19th ultimo, for which offences he was ordered minor punishments."

5360. Are you aware from what cause he was in the infirmary?—I am not.

5361. You were present at the punishment?—I was.

5362. Was there any appearance, previous to the man's being taken down, of his being faint, or of a failure in any way?—Not in the least; he walked from the triangle.

5363. Did he walk without support?—Without any support.

5364. At the time he was punished did there appear to be any feeling on the part of the other soldiers of the division that he was punished for an offence which did not merit that punishment?—Not the least.

5365. Have you heard it stated by any of his comrades that he had been hardly treated in that respect?—Never.

5366. Colonel M'Cleverty has informed the Commissioners that the men of that division frequently come from on board ship, and have to receive large sums of money?—They do so, unfortunately.

5367. Is the consequence of that great difficulty in maintaining the discipline?—Very great; sometimes the party coming from on board ship will make the whole division irregular till the whole of the money is gone.

5368. So that, referring to the number of punishments or the number of lashes that have been sentenced in the division in any particular year, a great variance will be found in proportion to the circumstances happening which have been alluded to?—Yes, owing to the great number of men coming on shore after they have been absent a number of years.

5369. Do the men in your division save any money, and put it into savings' banks?—I am afraid not, generally speaking. I do not know what some of the good soldiers may do.

5370. Do you stop any part of that which they have to receive when they come on shore as a fund for a future supply of necessaries?—There is a sum of £3 always stopped from their pay to fit them out.

5371. Has that the effect of preventing the men being in debt to their captains as they frequently are in the Line?—Men are frequently so irregular that they still get into debt and sell their necessaries; but the system with respect to the finding the men's necessaries and so forth, is entirely different from that in the Army.

[*The witness withdrew.*]

*A Serjeant-Major of the Royal Marines* was examined as follows:

*Serjeant-Major of the Royal Marines.*

5372. You knew this man Ramsey, personally?—I did.

5373. What was his general character in the regiment?—Very bad.

5374. Was he considered as a person of bad conduct by his companions?—Yes, he was; he was not respected by them at all.

5375. Were you present at the punishment?—I was.

5376. Had you an opportunity of seeing the effect of it upon the men who witnessed it?—I was, I suppose, within ten or fifteen yards. I had a duty to perform.

5377. Was there any appearance of commiseration of the man as receiving a punishment he did not deserve?—I never heard of any nor saw any.

5378. Since his death has there been any such?—Not at all.

5379. Of course you have seen many punishments in the Marines?—I have.

5380. Was there anything particularly severe in that punishment?—Not at all. I have seen many receive a greater number of lashes.

5381. Was there any appearance of failure on the part of the man while he was under punishment?—None at all.

5382. Was the punishment in any way inflicted in a more severe manner than usual?—No, not at all.

5383. Was there any interference on the part of the commanding officer, or any other officer, to make the punishment more severe than usual?—No.

*A Serjeant-Major of the Royal Marines.*

5384. You have heard the question which has been asked the adjutant respecting the effect of such large sums of money being in the possession of the men, do you agree with him that that tends to make it difficult to maintain the discipline?—It does very much so.

5385. Do the men of the first class, generally speaking, receive the whole of the 5*s.* 1*d.* during the week, or is there generally some part of it kept back for necessaries?—They receive it on Wednesdays and Saturdays.

5386. Do they generally receive it?—If they are not under stoppages they receive the whole of it.

5387. Are they on the days on which they receive that money more difficult to manage than on other days?—We have more absentees on those nights, particularly on the Saturday.

5388. How long have you been in the Marines?—Twenty-three years.

5389. From your experience in the marines, do you conceive that the discipline of the division could be maintained without the power of inflicting corporal punishment?—I should think not, under the present power given by the Mutiny Act to the court martial.

5390. When you say "under the power at present given by the Mutiny Act to the court martial," in what respect would you have that power increased?—In confinements.

5391. What sort of confinements?—I think if there was room to lock up the defaulters from the good men, to keep them separate, it would be a good thing.

5392. Do you mean to keep them separate constantly?—No, during the performance of their punishment; it is called the dry room.

5393. With respect to solitary confinement, do you think that would be desirable?—I do not think that has the desired effect at all.

5394. Why do you conceive that separation which you call the dry room would be more effectual than solitary confinement?—Then the commanding officer could have the power to order any man or men into this room, that there might be a greater portion of them.

5395. You mean that there should be a summary power on the part of the commanding officer to order a man into the dry room for any length of time?—I think that would be better.

5396. Do you conceive that would obviate the necessity for corporal punishment or only make it more rare?—I think it would make it more rare, but I fear it would not obviate the necessity for it with some men.

5397. Why do you think that solitary confinement has not the effect this dry room would have?—Because they do not perform any duty whatever whilst under sentence of solitary confinement, whereas they can perform the whole of the duty and drills as well whilst under order of confinement in the dry room.

5398. In your opinion, do the men not consider the solitary confinement as a considerable punishment?—They do not; it is looked at very slightly.

5399. You think that they consider the avoidance of duty to be a balance to the punishment?—Yes, particularly with any extra duty attached to it.

5400. How do the men feel when their pay is stopped for any offence by sentence of court martial?—When a man is under sentence of court martial, half his pay is stopped; that they do not like.

5401. Supposing, instead of half, the whole of their pay were stopped; do you conceive it would have a good effect?—I think it would.

5402. Have you known any of your men sent to Brixton or to Maidstone gaol?—Frequently; more to Brixton than to Maidstone.

5403. Are they put on the treadmill or in solitary confinement?—They are sentenced to the treadmill.

5404. When they have returned from those places have you found them better behaved?—It has had little or no effect on those I have noticed.

5405. In point of health what effect has it had upon them?—I cannot say. They are always sent to be examined after their return.

5406. Do they appear to you to be reduced?—Some of them do.

5407. Do you know how they have spoken of that punishment after they have returned to the regiment?—I have never spoken to an individual on that subject.

5408. Have you known persons after corporal punishment by the lash behave themselves better?—I have.

5409. Are you of opinion that the infliction of punishment by the lash, in front of the division, has more effect upon those who witness it than the mere reading the sentence of the court martial awarding the punishment of confinement?—I think it has.

5410. Has it the same effect, do you conceive, on both the old and the young soldier, or more upon one than upon the other?—I should think more upon the young.

5411. Supposing there were the means of imprisoning in garrison or with the regiment, so that the soldiers could see the punishment continued to be inflicted during the imprisonment, do you think that would have an effect upon them?—I think it would.

5412. You would prefer that to being imprisoned at a distance?—Yes.

5413. Taking into consideration all these punishments, are you of opinion you could do entirely without corporal punishment?—My opinion is that we could not at present.

5414. Could you devise any other punishment by which it might be dispensed with, without injury to the service?—No.

5415. Are the men who suffer corporal punishment always supposed to be disgraced among their comrades?—No.

5416. Is it your opinion the crime rather than the punishment disgraces the soldier in the estimation of his companions?—It is the crime.

[*The witness withdrew.*]

Surgeon *Henry Parkin*, Woolwich Division of Marines, was examined as follows: *Surgeon H. Parkin.*

5417. Do you recollect a man of the name of Ramsey being punished, and receiving 134 lashes on the 7th November last?—Perfectly.

5418. After receiving 134 lashes, you directed him to be taken down?—I recommended that he should be taken down.

5419. And taken to the hospital?—Yes.

5420. Why did you recommend that he should be taken down?—Because the conduct of that man had been so very irregular and so bad in the hospital, and as he was to be drummed out of the regiment after his punishment, I thought the sooner we got rid of him the better, and that the less his punishment the sooner his back would be healed, and the sooner he would be discharged. He got up from his bed and knocked a man down in the hospital upon a former occasion; the man fell against an iron bedstead, which inflicted a very severe wound in the scalp.

5421. How long previous to this punishment?—It was on the 6th August.

5422. What was his confinement at the infirmary upon that occasion for?—Gonorrhœa. I think it was for the venereal upon the last occasion certainly.

5423. Was there anything in the appearance of the man, as to his power of bearing further punishment, that induced you to take him down?—Not the slightest.

5424. Did it appear to you the punishment was particularly severe?—By no means. I remarked that it was less severe; there was less mark; he bore it as well as I ever saw a man; he exhibited no sign of distress; he walked boldly to the infirmary, and I conversed with him immediately afterwards. I did not know he was the man about to be punished when I was summoned to attend the punishment; and when I came down to the infirmary, I asked him how this happened. He was brought back by escort; after having been brought back, he appeared to be exceedingly penitent. When I came to his bed-side, he used to cry, and make lamentations, and appeared afraid to get out of the hospital, lest he should be punished. I told him to keep up his spirits, and dismiss apprehension; that as far as I could do, I would speak to the colonel on his behalf; and he was forgiven. I had no idea, therefore, that this was the man to be punished; and when he came back into the hospital, after receiving this punishment, I reminded him of his promise.

5425. What did he say to that?—He said nothing: but I asked him in a day or two afterwards what he meant. I said he must have some view in it. He said he had. I asked him what it was. He said he wanted "to be sent out of the country." But this is not a solitary instance. There are many who want to get rid of the service on any terms, and acknowledge this to be their object.

5426. So that the latter part of his sentence, that of being drummed out, would have been acceptable to him?—Perfectly.

5427. Do you remember Colonel M'Cleverty asking you whether the man's back would be marked, previously to your desiring him to be taken down?—Yes.

5428. What was the view of his being marked, was it to prevent his enlisting in any other corps?—Yes.

5429. Did his back appear to you to be in a very bad state?—No; there was very little subcutaneous extravasation or laceration of the skin, there was less than usual. The epidermis was separated or there would be no mark, but the man bore the usual appearance in a much less degree than is generally the case after having received 150 lashes.

5430. How did you treat him?—By placing some wadding (such as is used in ladies' dresses), which we are supplied with. It is laid over the surface, and layer after layer of this soft material is laid over. The healing process goes on under it. We never take it off, but if there is any discharge takes place, one layer is put over another to absorb it, and at last it drops off like a sort of crust in the course of the cure. After a time the skin sloughed a little, very superficially, but there was a little fœtor, which is also of common occurrence, and in order to remove the annoyance of this, I used as much as five grains to the ounce, or something of that sort, of the common nitre, dissolved in water, and applied it to the surface so as to remove the smell, which it does immediately. It is an application I have been in the habit of using a number of years; it is very much used in all cases of foulness or gun-shot wounds. There is no smarting or anything of that kind.

5431. Had he any fever?—I think he had a little fever at first. He was bled for it, but his appetite was good, and after three or four days he asked my permission to get up and have his clothes on, and walk about like other people; but I forbade it.

5432. How long after did dangerous symptoms appear?—On the twelfth day.

5433. Was there an appearance of mortification?—None; but about that time he complained of uneasiness at the pit of his stomach, which is a symptom sometimes induced, and I observed his shoulders were drawing up gradually to the ears, and there was a rigidity of the muscles of the neck, and so on. It was clear what was coming, and I told the Colonel in my morning report that it would terminate in locked jaw, and that the man would probably die of locked jaw in eight-and-forty hours, and he did so. But during that time he exhibited the same refractory and unmanageable temper. When his medicine was brought, he struck down the hand of the nurse; at another time he threw it at her, and threw the material into the chamber pot.

5434. Was the man still labouring under the venereal disease?—No, he had been cured of that.

5435. That had nothing to do with his death?—Nothing whatever.

5436. Was he in a bad state of body?—Yes, I think he must have been. He had been about twenty-three months in the service, and five times a patient in the hospital, four of which were the result of his irregularities. He drank hard and lived hard; and I think there must have been a good deal of morbid irritability; but as far as his appearance went and his physical

*Surgeon H. Parkin.*

capacity, when he went up to receive the punishment he was as capable of receiving it as any man in the barracks.

5437. Was any inquiry made by the commanding officer with respect to his state after he came into the hospital?—I have no recollection of that, but I think it very probable, for the Colonel does very often ask me that question.

5438. You gave evidence on the inquest?—I did.

5439. The expression has been attributed to you with respect to the man's bearing his punishment, "that he bore it like a Briton?"—I never made use of it. The whole is a fabrication. The account given in some of the newspapers was perfectly groundless.

5440. Do you think that the disease of which he died was occasioned by irritability of temper?—No; the irritability of temper might have arisen from an irritable condition of body. I think that the mind might have been affected by that general and morbid irritability of body, and I think that led to the onset of the disease.

5441. Did you ever know a similar case?—No.

5442. How long have you been surgeon of the division?—I have been surgeon of the division fourteen years, but I have been a surgeon in actual service in His Majesty's service two-and-forty years.

5443. Is this the first case of death following corporal punishment you have known?—It is. It has been my lot to superintend punishments round fleets, and I have seen punishments exceedingly severe, exceeding this in an infinite degree; but I never saw such a consequence.

5444. Do you think the punishment led to the disease?—I think it resulted not out of local irritation, but the morbid condition of the body.

5445. Do you think the disposition of the body arose from the punishment?—No; I believe it arose from irregularity and a long continued habit of dissipation, drinking, and so on.

5446. Do you think the state of his body, being such as you have stated it was, such a state rendered it dangerous to inflict that corporal punishment upon him?—By no means, for his appearance and physical powers were quite adequate to the thing.

5447. You of course have seen punishments in the Navy?—It is the Naval service to which I belong.

5448. Is the punishment inflicted in the Naval service more or less severe than this?—Much more severe. The cat is heavier, the blow is heavier, but the stripes are fewer.

5449. Is the person's back in a worse state after receiving that punishment, than after receiving the punishment usual in the Army?—It is not worse, certainly. There are fewer stripes given, seldom above three or four dozen.

5450. Each stripe is a much more severe punishment?—Yes.

[*The witness delivered in a memorandum which was read as follows:*]

With reference to the case of private Ramsey, I beg to offer to your notice the following particulars. He was about 20½ years of age, and had been 23 months in the service, during which period he had been six times a patient in the hospital, five of which resulted out of his irregularities. He ever evinced a refractory and discontented spirit, and whilst in the hospital on his second entry, on the 6th August, he arose from his bed, and knocked down another patient, then a convalescent, and wounded his head against an iron bedstead, for which he was removed to another ward, and, on his recovery, was discharged, and recommended for easy duty. In the following month (September) he was sent to headquarters a prisoner from the detachment at Deptford, when he was found to have a reinfection of the venereal disease, and was forthwith taken into the infirmary; whilst under treatment, he was reported as being guilty of extremely indecent conduct, in grossly abusing the nurse, and using the most obscene and filthy expressions, and mutinous conduct to the hospital serjeant; and on the 8th he deserted, being then nearly recovered of his complaint. On the 20th he was brought back, and in a few days was cured, and discharged again to duty. At this time he evinced an apprehension of punishment, and expressed contrition. I encouraged him to keep up his spirits, for that I would make no complaint against him. On the 7th November I was summoned to attend a punishment, and saw Ramsey, and learned when the sentence of the court martial was read, that he was to receive one hundred and fifty lashes, and to be drummed out of the corps. His appearance presented no objection to the execution of the first part of the sentence, and he was punished accordingly, receiving one hundred and thirty or thirty-four strokes, which he bore "*like other men*" (*the expression I made use of in my evidence at the coroner's inquest*). I recommended that he should be taken down, from a desire that his stay in the hospital should be as short as possible, and, I doubted, when he was let down, whether the back might be permanently marked; so little apparent injury was done.

He walked to the hospital with the same deliberate and firm step as on ordinary occasions, and evinced no sign of distress; and when I questioned him as to the cause of all this misconduct, expressing my conviction that he had some motive, he replied, "So I have, I want to be sent out of the country." The back was dressed by wadding laid upon the surface, in one or more coverings.

In a day or two he asked to be allowed to put his clothes on, and get up, which was forbidden. On the 14th some fœtor was observable from the dressing, which was removed, when there appeared a superficial slough, which is a common occurrence; and a weak solution of nitre of five grains to the ounce of water was applied to remove this and improve the condition of the excoriated surface, which application is one I have been in the habit of using in wounds that take on an unhealthy action with the best effect, for a long series of years, and especially in gun-shot wounds. It is unattended by pain, and corrects any disagreeable odour. On the 19th the first indications of the fatal disease appeared, which progressed in the usual way to the close. Even in this stage he evinced the same refractory spirit by refusing his medicine and throwing it from him.

The reports in the public prints of my evidence upon this inquest were generally incorrect, and the expression imputed to me, "*that he bore it like a Briton*" is *utterly false*. I do not suspect those who took notes of my evidence of a wilful perversion of truth, but from their situation (being mingled with the jury) I do assert that I saw them *prompted;* having failed to catch what I said themselves, they received it from those who sat about them; and of the bias of those parties there could be no doubt. The fatal result of this case may be referred to the morbidly irritable habit produced by his excesses, and which it was not possible to anticipate.

*Surgeon H. Parkin.*

The experience of every surgeon, especially of an hospital, will have furnished him with examples of men dying of locked jaw after the most apparently trivial accidents; such a case happened here in a healthy and fine young man, a seaman, from one of our steam vessels, the injury being only a superficial cut upon the heel of his thumb with his knife, which healed without difficulty, and when nearly closed was followed by tetanus, thus proving, what it may be presumed is very generally known, that it is not the degree of injury which induces the disease in any case.

Having been so long a period in the public service, and in the charge of this hospital, especially where so many hundreds of men are treated under the various accidents and diseases to which they are subject, it is impossible but that I should have marked the effect of the various modes of punishment upon the character and conduct of the men, and have reflected upon the means most likely to avert or supersede, in some degree, the necessity of flogging; and I am persuaded, from a close attention to the subject, that any attempt to suppress altogether this mode of punishment, would endanger the subversion of all discipline. No other punishment that I have yet seen proves in any degree so corrective.

The treadmill of Brixton, or jail at Maidstone, solitary confinement in barracks, or club drill, appear to me to be without any salutary effect; they are derided: but the punishment of the lash, though not always followed by a reform in the habits of the soldier to the perfect correction of them, is always regarded by them a second time with apprehension, and the hazard of incurring it, I am satisfied, often deters from a repetition of the crime. In the hospital it is often observable that the refractory spirit is subdued, an acknowledgment of the justice of the punishment is made, with a spontaneous declaration of amendment, and this in undoubted sincerity. And I have reason to believe that the resolution is often adhered to.

But the punishment, or avenging of crime, is an inferior consideration, and is but prescribing for effects instead of *causes;* the *prevention* is far more important, and is, I believe, more practicable than is generally imagined; and the first step to this, is to raise the standard of the moral character of the soldier, first by directing attention to a subject too long and unaccountably overlooked; I mean that of making proper provision for a performance of religious duties in this hospital, where so large a portion of the battalion find refuge from sickness, during the long period of their servitude.

The rector of the parish is paid £40 per annum by the government for doing the duties of pastor to this division; but when it is considered that in the population of Woolwich, consisting of from eighteen to twenty thousand persons, but one parish church exists, it may be conceived that the rector and curate have sufficient occupation without attending to this establishment particularly, and divine service has never been performed in this infirmary *since it was first erected.* The regiment of artillery has chaplains attached to it, who perform service in their hospital as well as their chapel. The establishment of the arsenal has also its chapel; but the division of marines, consisting of from a thousand to twelve or thirteen hundred men, and the dock-yard, are unprovided for, but in the parish church, and its incumbent. The *residence* of a clergyman, and his daily or frequent visits in the hospital, and at the bed-side of the sick, and especially of those whose conduct may have brought disease and suffering upon themselves, which constitutes a vast majority of the whole, I am of opinion, from my own observation, might and would be attended by incalculable advantage in improving the moral character of our men, of whom the thoughtless and most dissipated are the young. Here they are without instruction, moral culture, or notice, and under circumstances peculiarly favourable for profiting by it, until the rector is officially apprised that he is wanted by some one individual in extremity. I do not mean to say that the rector never visits but in such cases, for the occasional call at the hospital to know *if he is wanted* is not the service required; but that colloquial intercourse at the sick bedside, when advantage may be taken of the temporary dejection, and consciousness of misconduct which is often manifested, and when the language of reproof, encouragement, or comfort would be felt as most salutary, and might prove most beneficial. It is not the frequent and set form of prayer alone, but the *influence* of the *pastoral character;* no aid should be wanting to promote the end in view.

The sum thus given to the rector, in addition to the half-pay of a naval chaplain, with an allowance of quarters, coals, and candles, would doubtless induce some eligible and conscientious person, from that list, to reside upon the spot, and devote his service; and it is my conviction that such a man might render more important service to the state, generally, as well as this division, than would readily be imagined. Next to this is to be considered the *means* by which drunkenness is brought about, which are chiefly by the sale of their clothing and necessaries; this practice is endless, and it is regarded as a point of honour between the soldier and the broker or slopseller, that the latter shall not be betrayed; and this is strictly adhered to, though the offer of a remission of further punishment, even whilst under the lash, is often held out. To meet this, I would have recourse to the very strong, and at first view objectionable, measure, of making every man answerable for the conduct of each individual in this respect, and of mustering every article of clothing *daily,* so as to fix the precise time of the transfer. The task thus imposed would be found too great a grievance to be long borne, and the delinquent would be compelled by his comrades (at least the well-conducted or majority,) to confess and give up the name of the offender (buyer) when the prosecution, and the penalty which the law defines two or three times enforced, would effectually break the neck of this combination, and put an end to one of the most serious evils with which the soldier is beset.

Of the moral degradation of the lash, in the present disposition of the men, none is felt or acknowledged.

The man who is picked up drunk from the kennel, kicked out of a bagnio, bleeding from wounds in the head and face, and brought almost insensible into the barracks and hospital; or has been *one of five,* three of his own comrades and two prostitutes, wallowing in the same bed together for a night, cannot surely suffer a *moral degradation* from the lash. Yet such men and such practices require that, or some other mode of discipline, *if it can be found,* to restrain them.

The practice of reiterating the offence, in spite of repeated pardon or repeated punishment, is with a view to obtain a discharge from the service by being drummed out, and this is often *openly avowed;* but these men carefully keep within the number of drills, parades, or days prescribed for constituting a *capital* offence, and *transportation.* To obtain a discharge from the service, but *not transportation,* is the object. To make the repeated sale of necessaries, therefore, a transportable offence, would also contribute essentially to put down the practice, and thus destroy the most fruitful source of corporal punishment.

I had occasion to observe a marked alteration in the demeanour of our men in the hospital after Ramsey's inquest, and the incendiary reports of that case; but this, by some late punishments, appears now to be wearing off, I presume from the *effect anticipated* of a *suppression of corporal* punishment not having been realized.

*Wednesday, February 3rd* 1836.

The Right Hon. Lord WHARNCLIFFE in the Chair.

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General the Right Hon. Lord *William Bentinck*, G. C. B. was examined as follows.

*General Lord Wm. Bentinck.*

5451. Your Lordship returned from the government of Bengal in the month of July last?—I did.

5452. The Commissioners understand that previous to your departure from Calcutta you laid before the council a minute on the subject of military punishments?—I did, both in respect to the native Army, and the European Army.

5453. At what date?—On the 16th February 1835.

5454. At the time you laid that minute before the council at Calcutta, had you issued an order with respect to the Army, or was your order to the Army subsequent to that order in council?—The order issued was the result of that resolution in council. It was an order by the Governor-General of India in council.

5455. This order of the council of India of the 24th February 1835, refers only to the native troops?—Just so.

5456. Previous to the issuing of this order, were there any and what regulations with respect to the punishment of the native troops at the halberds?—There are regular articles of war. There was an order of Lord Combermere of the 19th March 1827, and another subsequently of Sir Edward Barnes of the 2d November 1832, which modified the order of Lord Combermere.

5457. The native troops were liable to punishment by the cat-o'-nine-tails precisely in the same way as the Europeans?—Yes, the articles of war are somewhat different, but for this purpose they may be considered the same.

5458. Will your Lordship look at that, [*paper handed to his Lordship*] and see whether that is the order of Lord Combermere?—It appears to be.

[*This order was read as follows:*]

"General Orders by the Right Hon. the Commander-in-Chief.

"*Head Quarters, Calcutta, 19th March* 1827.

"The Commander-in-Chief is satisfied, from the quiet and orderly habits of the native soldiers, that it can very seldom be necessary to inflict on them the punishment of flogging, while it may be almost entirely abolished, with great advantage to their character and feelings.

"His Excellency is therefore pleased to direct, that no native soldier shall, in future, be sentenced to corporal punishment, unless for the crime of stealing, marauding, or gross insubordination, where the individuals are deemed unworthy to continue in the ranks of the Army.

"Whenever, in such cases, corporal punishment is awarded by a regimental detachment, or brigade court martial, the proceedings are to be referred, with a descriptive roll of the prisoner, and a report of his previous character to the General, or other officer commanding the division before the sentence is carried into effect, and if he confirms it, and does not see cause to remit the punishment, he will, at the same time, direct the man to be discharged from the service.

"This order is to be clearly explained to every native corps.

"By order of His Excellency the Commander-in-Chief.

(Signed.) "W. L. WATSON,

"Adjutant-General of the Army."

5459. Previously to the issuing of this order, was it a frequent practice to punish the native soldiers in that way?—In my minute of the 16th February 1835, there will appear an exact return of all the punishments for the last preceding five years in the three native Armies.

5460. By Lord Combermere's order of the 19th March 1827, corporal punishment in the native Army was confined to certain offences?—It was so.

5461. Which offences were the crimes of stealing, marauding, gross insubordination, when the individuals were deemed unworthy to continue in the ranks of the Army?—Yes.

5462. That dispatch, also, directed that in the case of a court martial, the punishment should not be inflicted without a reference to the general officer?—Yes.

5463. Did that order remain in force until it was altered by the circular issued by Sir Edward Barnes?—It did.

5464. Was the effect of Sir Edward Barnes' alteration to enable the commanding officer to put into execution the sentences of corporal punishment without the sanction of the general officer?—Yes it was.

5465. Restoring, in fact, to the commanding officer, the power he had previous to Lord Combermere's order?—Yes.

[*The following is a copy of the order referred to:*]

"(Circular.)

"*Adjutant-General's Office, Head Quarters, Simla, 2d November* 1832.

SIR,

"The Commander-in-Chief has reason to believe that some injurious consequences have incidentally resulted from the mode now pursued of submitting the proceedings of regimental

*General Lord Wm. Bentinck.*

and other inferior courts martial to general officers commanding divisions, for their previous sanction, and he is therefore pleased to dispense with this in future.

"The officer who assembles the court martial, and who confirms the proceedings, is accordingly authorized to carry the sentence into effect, without any reference; and in cases of corporal punishment he is to exercise his discretion, according to the nature of the case, the previous character of the individual prisoner, and the circumstances which may render an example necessary, or otherwise at the time, in mitigating the punishment awarded, or in remitting it altogether.

"As it may also happen that a soldier has been found guilty of an offence which renders it improper that he should remain any longer in the service, although the general conduct of the men has been such that an example is unnecessary, or he may have relations in the regiment of excellent character, upon whom some part of the disgrace would fall if he were flogged; the Commander-in-Chief is pleased to authorize commanding officers of regiments, in all cases where a native soldier has been sentenced to corporal punishment, to discharge him from the service if they consider it expedient, although the punishment be remitted altogether.

"In every case of a discharge, ordered in consequence of the proceedings of a court martial, the circumstances of the soldier having been 'found guilty of [*here insert the offence,*] and sentenced to corporal punishment' is to be distinctly specified in his discharge certificate, and in the monthly casualty list transmitted to head quarters.

"It will continue to be the particular duty of general officers and others commanding divi ions &c., to whom the proceedings of inferior courts martial are transmitted, under the regulation of 6th November 1818, to point out to officers commanding regiments, whenever they conceive the punishments awarded have been too severe, or that they have been too frequent; and they will bring under the notice of the Commander-in-Chief, at their periodical inspections, (or without any delay if they deem it necessary,) any such cases; but His Excellency is happy to remark, that he has not, hitherto, observed any instance of such conduct, and he therefore has considered it both just and expedient to leave to the officers in immediate command of regiments and detachments, who are best acquainted with the whole particulars of each case, the entire power of mitigating or remitting the sentences of the courts which they assemble.

"His Excellency directs me to add, that it is his intention that the principles of the circular from the adjutant-general's office, of the 16th June 1827, and of the general order of the 19th March 1827, should continue to be strictly adhered to, with the exception which has been indicated in the course of procedure. No native soldier is ever to be sentenced to corporal punishment by any regimental, brigade, garrison, or detachment court martial, unless he has been found guilty either of a very serious offence against discipline, or plundering, marauding, or committing violence when on a march, or of some action of a disgraceful and infamous nature, unbecoming the character of a soldier; and whenever corporal punishment has been inflicted on a native soldier, in consequence of the sentence of a court martial, he is invariably to be discharged the service.

"The Commander-in-Chief has observed with great satisfaction how seldom it is necessary to resort to such punishments, in order to maintain discipline amongst a body of men who are free from the vice of inebriety, who are in general remarkable for their orderly, quiet, and obedient behaviour, and for whom dismissal from the service, when any individual betrays an opposite character, constitutes of itself a severe, and, in most cases, a sufficient punishment.

"A copy of this circular will be sent to every regiment under your command, and its tenor is to be carefully explained to the native troops.

"I have, &c.,

"*To the Officer commanding.* (Signed) "W. S. Beatson,
"Adjutant-General of the Army."

5466. That order of Sir Edward Barnes was again modified by a general order of your Lordship's of 16th February 1835?—It was; Sir Edward Barnes' order was cancelled, and Lord Combermere's restored by me.

[*The following is a copy of the order referred to:*]

"General Orders by the Right Honourable the Commander-in-Chief.

"*Head Quarter, Calcutta, 16th February* 1835.

"The Commander-in-Chief is pleased to cancel that part of the circular letter from the adjutant-general of the Army, under date the 2d November 1832, which empowers officers who order the assembly of inferior courts martial, and who confirm their proceedings, to carry sentences of corporal punishment into effect without the previous sanction of general officers commanding divisions, or brigadiers commanding field forces; and His Excellency directs that the general order of the 19th March 1827, and the circular letters of the 9th March and 16th June of the same year, be considered in full force.

"By order of the Commander-in-Chief,

(Signed) "J. R. Lumley, Col.,
"Adjutant-General of the Army."

5467. So that the native Army, at the time of your laying that minute before the council, was in the situation of being liable to punishment for certain offences enumerated, by Lord Combermere, the sentence of a court martial being approved of by the general officer?—Yes.

5468. Will you have the goodness to state to the Commissioners the reasons that induced you to make that alteration, and to lay the minute of the 16th February before the council of India?—I beg to refer to that minute for my reasons.

5469 In consequence of the agreement of the council to your proposal for abolishing corporal punishment in the native Army, the general order of the 24th February 1835 was issued

*General Lord Wm. Bentinck.*

by the Governor-General in council?—Yes, this is the order [*delivering in the same, which was read as follows:*]

"General Orders of His Excellency the Right Hon. the Governor-General of India in Council.

"*Fort William, 24th Feb.* 1835.

"The Governor-General of India, in Council is pleased to direct that the practice of punishing soldiers of the native Army by the cat-o'-nine-tails, or rattan, be discontinued at all the presidencies, and that it shall henceforth be competent to any regimental, detachment, or brigade court-martial, to sentence a soldier of the native army to dismissal from the service, for any offence for which such soldier might now be punished by flogging, provided such sentence of dismissal shall not be carried into effect unless confirmed by the general or other officer commanding the division.

(Signed) "Wm. Casement, Col.,
Secretary to the Government of India Military Department."

[*His Lordship withdrew.*]

Mr. *J. W.* was examined as follows:

*Mr. J. W.*

5470. The Commissioners understand that you went out to Spain with Colonel Evans's auxiliary force?—Yes; I went out, and arrived at St. Sebastian about the 21st July.

5471. How long did you remain?—I remained till the middle of September, when I came home.

5472. During the time you were with that force were there many instances of corporal punishment?—I saw several cases of corporal punishment administered during the time I was in St. Sebastian.

5473. Was there great difficulty in maintaining discipline among the men?—Yes, there were some very refractory characters, and occasionally, when excited by drink, very violent; but, at the same time, perhaps, any other punishment substituted for corporal punishment, might have had a sufficient effect and maintained the discipline of the force.

5474. When you say any other punishment substituted for corporal punishment might have maintained the discipline of the force, what other punishment do you refer to?—Solitary confinement, extra drills and guards, and stoppage of pay.

5475. Were there any instances of solitary confinement at St. Sebastian?—Not in the citadel.

5476. What sort of prisons had they?—I never was in it. I do not remember any case of solitary confinement at all. I have heard there was such a place for the Spanish soldiers.

5477. You are not aware that recourse was had to solitary confinement at all?—No; except in the guard rooms—a mere regimental thing.

5478. Recourse was had of course to the minor punishments, such as pack drills and so forth?—Yes, and extra guards.

5479. For what sort of offences was corporal punishment used?—The generality of offences were acts of insubordination, and violent and outrageous conduct of the men by quarrelling with their comrades and creating disturbances when in drink, and sometimes for thieving.

5480. Was there any discontent among the men in consequence of the use of the lash?—No; I never heard their opinions respecting it: any body of men will, of course, be averse to punishment of that kind; but several of the officers considered it a sort of inconsistency on the part of the general as regards the system adopted. But I must admit that I think that, through the discretionary power vested in some of the commanding officers, many of those cases never reached the ears of the general: some of them were the result of drum-head courts martial.

5481. Was there a very great proportion of those punishments inflicted in consequence of the sentence of drum-head courts martial?—Yes, a good many.

5482. But there were several by garrison and regimental courts martial?—Yes.

5483. The garrison courts martial were of course submitted to the general?—Yes, of course; but most of those I saw at St. Sebastian were previously to the arrival of General Evans. He did not come out till a very short time before we went to Bilboa.

5484. At what time did he come out?—I cannot be positive to the date, but I think we had been there about six weeks before he arrived.

5485. After he came out there were repeated instances?—Yes; the same system was maintained.

5486. And in consequence of the sentences of garrison and general courts martial?—More generally the result of regimental courts martial.

5487. At the time you refer to was the enemy in sight?—Yes; there was a detachment of the Carlists in the vicinity of St. Sebastian, about five or six miles distant.

5488. You were not actually in the field?—No; except in the affair at Hernani.

5489. But, except upon that occasion, you were not what is called in the field?—No; there were reconnoissances made, and there was a little skirmishing.

5490. You were, in fact, in garrison at St. Sebastian?—Yes.

5491. Was there recourse had to the punishment of stoppage of pay?—Yes; that was frequently done by the captains of companies, or the result of regimental courts martial.

5492. At the time you quitted the Army had the discipline of it improved?—Yes, very much indeed.

5493. Is it your opinion that this corporal punishment had had a considerable effect in improving it?—I think on very desperate and irreclaimable characters it had.

[*The witness withdrew.*]

*Friday, 5th February,* 1836.

The Right Hon. Lord WHARNCLIFFE in the Chair.

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General the Right Hon. Lord *William Bentinck* was again examined as follows:

*General Lord Wm. Bentinck.*

5494. Previous to your issuing the order referred to, you had directed committees in the several presidencies to report to you as to the propriety of doing away with corporal punishment entirely in the native Army?—Yes.

5495. What was the result of those inquiries carried on by those committees?—The majority of the committees were unfavourable to the abolition.

5496. Were there any of the officers who sat upon those three committees who were favourable to it absolutely?—I forget.

5497. Do you mean to say that the majority of each committee, or a majority of the whole, were unfavourable?—The majority of each committee, I believe.

5498. How long before you issued that order in council had you received the reports of those committees?—I suppose it must have been two or three months.

5499. Have you remitted home the reports of those committees?—They went home with the order itself.

5500. So that there was no notice sent to the East India Company, or any authority in England, previous to your issuing that order in council?—None: the civil and military government, and the enactment of articles of war for the company's troops, are vested in the council of India.

5501. In the reports of those committees was there any complaint made, or any notice taken of any difficulty in recruiting from the respectable part of the natives in any of those armies?—I think the opinion expressed by several officers was, that a better description of recruit would be obtained if the abolition of corporal punishment took place. That was the opinion of many officers as well as I recollect.

5502. You are more acquainted with the Bengal army than with others?—Of course I am.

5503. In the Bengal army is the description of natives who compose that army of a more respectable class than the others?—Very respectable high caste men the greater part of them.

5504. Had that Army had any difficulty under the regulations that existed previous to the order in council in recruiting?—Latterly there was no difficulty in recruiting. During the Burmese war, a great number of very bad men were admitted into the Army.

5505. That will usually be the case where you have to increase an Army in time of war to any considerable extent?—Yes, but there was a bad system of recruiting into the bargain.

5506. Did that difficulty with respect to the Burmese war arise from the fear of loss of caste in going out of India?—No; it was a superstitious fear. There was a great aversion in consequence from the service.

5507. That was, however, before you assumed the government?—Yes.

5508. Immediately previous to your issuing this order was there any difficulty in recruiting the Army with proper recruits?—None.

5509.—In that case, supposing the order to have the effect you looked to, and which you state to have been suggested by those committees, namely, the bringing a better description of persons into the service, what was the description of persons to whom you looked?—Respectable men of the same classes.

5510. If you were understood rightly in your answer to a former question, you stated that there was no difficulty in obtaining good and proper recruits before?—Before, there were a great number of persons of the very best description, who were prevented entering by the fear of corporal punishment. If I am asked whether there had been any difficulty in recruiting the Army, I should say none.

5511. Not only no difficulty in recruiting the Army, but no difficulty in recruiting it with persons of a proper condition and state?—Yes, but not of the very best.

5512. One of the reasons which induced you to issue this order appears to have been, that the discharge of those men from the service is in itself a very severe punishment?—It is.

5513. And a sufficiently severe punishment, without having recourse to the lash?—Yes.

5514. That, of course, is a reason that can apply only to the native Army; it does not apply to the European or to the King's troops?—Certainly not; on the contrary, every European soldier would be happy to be discharged.

5515. Has transportation been tried with the native Army?—I do not think it has as a punishment by court martial. I am not sure whether it is in the military code or not; I rather think not, but, at all events, it is not common to do so: indeed, natives are hardly ever sent across the sea.

5516. Are the native troops addicted to drunkenness?—No, not at all.

5517. What are the most usual offences committed by that Army?—Quarrels about women form the greatest part, jealousies, and occasional thefts and insubordination. They are very sensitive about their order.

5518. Previous to the issuing this Order in Council, the punishment of the lash was confined to immoral offences?—Yes, it was.

5519. The nature of those offences being theft, disgraceful offences, and insubordination?—Yes.

5520. With respect to insubordination, was recourse had to the lash usually in cases of mere casual insubordination to non-commissioned officers or officers, or where it was attended

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with mutinous conduct also?—I forget; I should think in each it would have been adopted; I presume so.

5521. Without having recourse to the entire abolition of corporal punishment, would it not have been reasonable to have confined it to cases of insubordination, amounting to mutiny, or approaching to it, instead of leaving the net so wide as the words "mere insubordination" make it?—Of course, the limits could have been defined, if it had been thought proper, as is the case with all other laws.

5522. This punishment of the lash was, in point of fact, usually accompanied by the discharge of the person who suffered it?—Yes.

5523. Had not that circumstance of the discharge accompanying the lash a good effect upon the rest of that Army by its example?—Is the question the discharge, or the lash, or both?

5524. Both together?—Of course; the more severe the punishment, the greater, in all probability will be its effect. The question is, whether that increased severity is necessary or not.

5525. Would not the very sight of the punishment of a man by the lash in itself, probably, be the means of deterring from crime, and still more when accompanied by discharge?—I should give the same answer. Of course, the more severe the punishment, the greater must be supposed to be its effect.

5526. The man so discharged, being marked as he would be by the punishment, would not his after-life be rendered more uncomfortable in his own country?—I think not; I think they would consider it in his own country, when he returned, as an act of barbarity, and would view it with horror and disgust.

5527. Not with a feeling that the man himself was disgraced by it?—No, I think not; in his own family, certainly not. It is considered a great act of dishonour to strike a man in India; the higher the caste, the greater the degradation. The native community, when he returned, would view the punishment as an act of great barbarity.

5528. And not feel that he was degraded?—No, except to be subject to degrading punishment; but I do not think he would lose caste for it.

5529. Supposing he had been guilty of theft, and punished for it?—He would, in that case, be considered as a common robber.

5530. Supposing the punishment of the lash entirely abolished in the native Army, do you not think it would have an effect on the European troops in the service, and create a jealousy?—None, whatever. There is no analogy whatever between the two services; they are totally distinct; they are distinct in manners, distinct in customs, in habits, in pay, in treatment, in every respect.

5531. But they serve together?—They do not associate together.

5532. Are they never joined in service, for instance, on an expedition, so many Sepoys and so many Europeans?—Yes, but they cannot communicate with each other; the one does not understand English, and the other does not understand Hindûstani.

5533. Supposing two men to have committed the same offence, or that being on the same guard, each committed an act of insubordination, that the European was to be punished by the lash, and the native to be only discharged, do you not think that the European would consider himself the worst treated of the two?—I dare say he would. He would like to be discharged also.

5534. Surely the effect of doing away corporal punishment in the native Army must have some effect on the European troops?—That is a particular case; he might feel that certainly.

5535. Is that a case very likely to occur?—No, I do not think it is. In the first place insubordination in the native Army is very rare.

5536. In looking over certain Returns before the Commissioners, there are several instances of offences called "mutiny or insubordination," and another headed "disobedience of orders," and a third "disorderly conduct and absence without leave," those occur in both services of course?—They would occur no doubt in both services, but I should think rarely if ever. Those are impertinence to native officers. They are classed as mutiny, or insubordination.

5537. They would be equally so classed in the European Army?—Yes.

5538. Has it not hitherto been considered essential that the character of the European Army should be held up in the sight of the native soldiery?—It is very desirable that it should be, but it certainly is not. Courage is the only point in which the conduct of Europeans is superior to that of the natives. Nothing can be equal to the drunkenness and disorder of the European troops in a great many regiments.

5539. If the punishment of the lash is entirely done away with in the native service and retained in the European part of the Company's Army, and in the King's Army in India, would not that very circumstance tend to degrade the European part of those Armies in the eyes of the natives?—I should say not the least.

5540. If it is considered by their superiors degrading for the Indian to be punished by the lash, why is it less degrading to the European?—Because they are in conduct and character totally distinct—one is the best behaved man in the world, of high caste, and sober; the other is the reverse.

5541. If a high caste man commits those offences, he is no longer that man you represent?—But the character of the Army at large must be taken, because if there is corporal punishment existing every man is afraid of it.

5542. Therefore it acts as a salutary punishment in that case putting aside the degradation?—Not as a salutary punishment, because I do not allow it to be necessary or salutary; it adds to the severity of punishment.

5543. And tends to deter from crime?—As all punishments do. It is merely a question whether that extreme severity is necessary or not.

5544. If you abolished that punishment in the native Army on the ground of degradation, will not the effect of that be to make the individuals of the native Army look down on the individuals of the European Army who still remain subject to the lash?—Decidedly not. In the one Army there is hardly any corporal punishment, in the other there is a great deal. It will have no influence upon the opinions of the native Army with respect to the Europeans; it has had none hitherto.

5545. That would only prove there had been more good behaviour on the part of the native Army than the European, but yet both were subject, if they committed certain offences, to the same punishment?—Yes.

5546. By your order you say that that punishment is degrading?—It is so considered by the native Army.

5547. Will not they so consider it as to the European Army?—They look upon it as a totally different service. It is the bravery of the European soldier which commands the regard in which he is held in the country at large, and not his good conduct in general, for nothing could be worse than his conduct.

5548. Are there not frequent instances of mutiny in the native Army?—No, it very seldom occurs. There was the great Barrackpore mutiny, but nothing of late years.

5549. No men blown away from the guns?—There was in Madras, just before I came away, a man who attempted to murder his officer; he was blown away or shot.

5550. To what do you attribute the superiority of the Bengal native Army to the Madras and Bombay, in point of composition?—They are very superior men. They are higher caste men, and steadier men altogether, exactly like the people of northern Europe compared to those of the south. I think also they are much better managed in Bengal than they are in Madras; the system of discipline is much more considerate.

5551. There are a great number of Rajpoots, are there not?—Yes, there are a great many Rajpoots and Brahmins. A great political question belongs to the abolition of corporal punishment, as is stated in the minute. It is of great importance to attach that Army to us as much as possible. Our dependence is upon the native Army, and certainly times of peace are not so favourable to the maintenance of the *prestige* of European superiority as those of war.

5552. Had there been any symptoms rendering this measure necessary?—The general opinion is that the native Army has not that character of attachment it had formerly. After the abolition of the punishment of flogging in the Civil Penal Code, it was not thought possible to keep it up in the native Army.

5553. How lately had the punishment of flogging been abolished in the sentences of the Civil Court?—I think two or three years before.

5554. Was the ground on which it was abolished its being degrading?—Its being unnecessary and inefficient for its purpose.

5555. Was it put on the ground of the degradation?—I forget now, but it is considered as very degrading.

5556. So is the punishment of flogging by the sentence of a civil court in this country?—It is considered as very degrading, no doubt. I do not think there is anything gave greater satisfaction to the native population, than the abolition of it from the Penal Code.

5557. Was there any difficulty in recruiting the Army after the abolition of flogging in the civil code?—No, it is in time of peace when these things are discussed, and that is what makes the situation of the Army and our very position with India so important. All these questions are matters of reasoning, and too much cannot be done to secure the allegiance of the native Army.

5558. In the Armies of the native princes, is there any corporal punishment?—I do not know that there is. I believe not. They never make use of our cat at any rate.

5559. With the sword, or anything of that sort?—I am not aware that there is the infliction of flogging. It is extremely offensive to the natives of India.

5560. You spoke of the Army going to Ava, being composed of men of an inferior description?—I alluded to the recruits raised during the Burmese war. There was a great reluctance in the Army at large to that service.

5561. Is there not a reluctance among the Hindoos to going on board ship?—There is.

5562. Arising from religious feelings?—Yes, but that is got over.

5563. Would not that account in some degree for the difficulty of getting good recruits during the Burmese war?—That no doubt created a difficulty, but the mode of recruiting was bad. There were certain officers appointed to raise recruits for the Army who cared little about the character of the recruits. It is much better to allow each regiment to recruit for itself.

5564. You are understood to say that though you thought it right to issue this order, with reference to the native Army, the European Army bears no analogy to the native Army; and you would have hesitated before you ordered the entire abolition in the English service?—Yes, it was not in the competency of the Council of India to abolish it in the King's service; and though it was in the Company's European troops, yet to have made any such distinction would have been most impolitic.

5565. You were understood to say, that though you were clear the punishment of the lash might be dispensed with in the native Army, you would not have been so ready to order it in the European?—Certainly not.

5566. On the 1st January, 1835, did you not lay a minute before the Council with respect to the corporal punishment in the European service and in the King's service?—I did.

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5567. The object of that minute was the establishment of penal companies for the purpose of paving the way to the abolition of corporal punishment?—Yes, it was.

5568. Your objection to doing away with the punishment of the lash in the European service arises from the difficulty of finding a substitute, which substitute you conceive to exist in the native Army in the power of discharging, and the severe punishment that discharge is in itself?—Yes, exactly so.

5569. Of course it is unnecessary to ask whether that discharge would be the same punishment if inflicted on the European soldier?—No, he would be delighted with it.

5570. What would become of the European soldier in the event of his being discharged in the country?—He could not be discharged; we are bound to send him home. They would be happy to receive their discharge, I have no doubt, and to take their chance, they are such thoughtless people.

5571. In India the climate itself prevents a great many of the precautions that can be taken in more temperate climates with respect to the health of the soldier, such as providing him with the means of recreation, and so forth?—To a certain degree, of course. He cannot go out in the sun in the middle of the day. Then he has very much less occupation; he has a great deal more time to himself; he can go out in the morning and evening.

5572. With regard to their pay, is it such as to leave them a considerable proportion that they can expend in liquor?—Certainly; unfortunately too much.

5573. Liquor is there exceedingly cheap?—It is.

5574. Then the offence of drunkenness, and the crimes that arise from it, are of course very frequent in that country?—They are.

5575. That leads to the greater part of the offences that are committed?—Probably it does.

5576. The question refers to the offences of insubordination, and so forth?—Yes, I presume that it does. There are great precautions taken to avoid that, Non-commissioned officers are forbidden to interfere with drunken men as they are here.

5577. Are the punishments by the lash in India now frequent in the European part of the service?—In some regiments of the line; in others not. There is a return which I think it will be very desirable for this Commission to have,—the half-yearly return prepared by order of Lord Hill, and given in just before I came away. A vast difference in the amount of punishment will be found. In some regiments punishments are very frequent, in others the reverse. Where the discipline is best preserved, the punishments are the fewest.

5578. Is that always the case?—It is, I should say, generally the case.

5579. Is there any possibility of passing over offences for the purpose of making a good return of punishments?—I should doubt it. Greater insubordination, and greater relaxation of discipline, must necessarily be the result, which the general officer would not fail to report.

5580. Are you to be understood that unless some scheme, such as the penal companies, or some other substitute, is provided, you are prepared to say that the punishment of the lash could not be done away with in the European Army in India?—Immediately, not.

5581. But your opinion is, that by the effect of those penal companies, or some other substitute, it may be?—I do not exactly understand what is meant by the word substitute.

5582. A substitute of punishment?—I should say there should be an alteration of the system altogether. Hitherto you have governed very much by terror, but if you want to do away with that, you must couple it with hope and reward. Until that is done, of course you cannot do without corporal punishment.

5583. When you speak of hope and reward, can you point out to the Commissioners what alteration, in your opinion, would tend to that object?—I am not prepared to do it; it is a great question, which requires more consideration than I have been able to give to it.

5584. The only substitute you have proposed to create in India up to this time, in a definite manner, consists of those penal companies?—Yes, the great advantage of the penal companies is, the removing of the bad men from every regiment, and of course exciting the apprehension that the others too may be exposed to the same.

5585. You found your opinion of the advantage of those penal companies on the advantages resulting from certain companies formed at Sierra Leone?—That is only what I have heard in confirmation of my opinion previously formed. It will be found in all the regiments in India there are forty or fifty bad men, very bad characters, who corrupt all the others. A regiment coming from Europe would be a vast deal better than a regiment which has been in India a considerable time, in consequence of the accumulation of those bad characters.

5586. If any other mode were found of getting rid of those bad men from the regiments, those companies would not be of the same importance?—In the first instance there is the getting rid of those bad men, and in the next place, the punishment which will be inflicted.

5587. In the regiment, you propose that there shall be no corporal punishment, but the moment a man is sent to the penal companies, that he should be subject to corporal punishment?—Yes.

5588. That in point of fact would be an abolition of corporal punishment in certain classes of the Army, and retaining it in others?—It is not punishing the man until he has been convicted of being a bad man, and he has been declared by a court martial liable to that punishment.

5589. With respect to those companies at Sierra Leone, can you state the information on which you appear to have founded the conclusion?—No, there was an officer who had been an adjutant who gave us information upon the subject, but I cannot state particulars.

5590. Do you know how long the system had been carried on?—No, I do not know.

5591. Were you satisfied that those companies at Sierra Leone had answered the purpose?—He gave a favourable report of them.

5592. Are you aware that in the foreign armies they have companies of that description?—I am aware that they have in the French and Prussian Armies.

5593. Are you aware that in the French Army they have not been found to answer the purpose, and that they are about to abolish them?—No, I have not heard that.

5594. Have you ever considered the subject of a stoppage of pay as a substitute?—I think that would be exceedingly desirable.

5595. Would it be likely, in your opinion, to be submitted to quietly by the soldiers, or would they not think it to a certain degree an infraction of the contract between them and the government?—I think that would be submitted to quietly.

5596. With respect to rewards, do you look to rewards in the shape of additional pension or additional pay, at different periods of service?—I should say both those. Anything in the shape of reward which holds out an improvement in the soldier's condition, if he behaves well, would be advantageous.

5597. Have you ever considered the subject of honorary distinction in the way of reward, such as difference of dress?—I think that would be of the greatest service. I have recommended it for the native troops.

5598. How long have you recommended it for the native troops?—About the time that I proposed those regulations.

5599. You have not had the advantage of experience upon that subject?—No, it involved expense, and therefore was not adopted at home. I proposed an order of merit for distinguished service, and an order of merit for good behaviour for a certain number of years, accompanied by pay. They were all accompanied by pay.

5600. That is nearly the principle of the legion of honour in France?—Yes; it is indispensable in the Indian Army, which requires a great deal of consideration.

5601. Are grants of land still continued?—No, none. It would be very inconvenient; there were some made, but they were not found to answer.

5602. It is better to pay?—Yes, that is much the best way of rewarding them.

5603. Had you any communication with the commander-in-chief here upon the subject of penal companies? Did you laid that opinion before the council?—There was a letter sent to the commander-in-chief at the same time.

5604. You have seen the reports of those committees upon the subject of corporal punishment in the native Army? They speak of the difficulty of managing the Army in time of war without corporal punishment; do you think there is anything in that objection?—I should think not.

5605. You think that in time of war, there is greater call for men and recruits, and greater difficulty in procuring them, you will probably therefore get a worse description of men; are you of opinion that under those circumstances, in time of war, the Indian Army could be preserved in discipline without the use of the lash?—I think so.

5606. Do the committees to whom you have referred were of a different opinion?—I believe they were.

5607. Probably you were of opinion that in time of war there would be a greater facility in recruiting then?—I apprehend, in time of war, there would be a great facility in the upper provinces.

5608. To return again to the European service, according to your plan, there should be no corporal punishment in the regiment; but if a man be guilty of an offence that should be punished by the lash, he should be sent to a penal company?—Just so.

5609. Supposing the case of a mutiny on the march, do you apprehend the power of sending the mutineer to a penal company would be sufficient to preserve discipline?—It depends upon what the mutiny is. It would not prevent that man being shot.

5610. Do you think it advisable that the only punishment for the purpose of an immediate effect left for the commanding officer to put into execution, should be the putting the man to death?—That depends upon the general system; if you abolish corporal punishment altogether, I think it is advisable that it should be so, that there should be no exception at all.

5611. You are of opinion that in such a case as is mentioned, it would be necessary to proceed to more summary punishment?—Of course summary punishment must be resorted to under such circumstances; and I apprehend in the Prussian and French services it would be resorted to. It is extraordinary that in both these countries they are mitigating their military code.

5612. The military code has been mitigated in this country also?—Yes, but there is not the same encouragement in our Army which there is in the French; there is not the same share of promotion.

5613. Are you at all aware what sort of promotion there is in the French Army, how long a person serves in that Army before he gets promotion?—But he may look to it at last; there is a certain proportion of the non-commissioned officers who may be promoted.

5614. Are you aware what the proportion is between the officers promoted in the French Army, and in the English?—No, I certainly am not; but then it is part of the French system, it is no part of the English system. No man ever enlists in the British Army with the idea that he can become an officer; in the French Army every man who enlists thinks he may become an officer.

5615. Enlistment is not the common way of forming an Army there, but conscription?—Yes, but there is a proportion of *remplaçans*, which, in 1829, amounted to one-fourth of the whole Army.

5616. Are you aware of the difference between them and the conscripts in that Army?—I know that the *remplaçans* are looked down upon by the Army in general.

5617. With respect to the Prussian system, that goes to the extent of giving the preference, in civil offices, to military persons?—Yes.

5618. That system is different from that which could be established in England?—Yes; but it is always possible to do something, and it should be begun. It is not whether any

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sort of punishment is better, but how the moral character of the British Army is to be m proved.

5619. Do you apprehend that, supposing these inducements held out to the British Army, that a certain number of commissions should be given to those who have gone regularly through the ranks of the Army, and a certain number of civil offices, that would tend to facilitate getting good recruits?—All improvements in the service would tend to facilitate the recruiting. We should get a better description of men.

5620. In case of a war occurring, would it be possible to be very nice in the description and character of the recruits whom you get?—Of course, in England, with such a very limited establishment, if it were greatly increased, it is obviously impossible.

5621. That creates a very great difficulty?—No dou

5622. Your proposal was to establish one of the p companies of which you speak in each of the presidencies?—Yes.

5623. Was your notion, that they should be by themse or quartered with other troops? —By themselves.

5624. In a fortress?—We have few fortresses in India.

5625. Would it not become necessary to have those pena nies in some way watched or guarded by other troops?—They might perhaps require n oops to watch them. All European troops have native troops to watch them, and to p heir going out of their cantonments. There are no European corps without natives bei hed to them.

5626. Were they to be employed in the field?—There were v eans devised for employing them on making roads and public works.

5627. In the cantonments in India, of the European troops esp e there the means of solitary confinement?—Yes.

5628. Of effectual solitary confinement?—I cannot answer that q tly; but when men are sentenced to solitary confinement for any time they are se s where cells for the purpose have been prepared.

5629. Are there the means of effectually confining them in solita nt at those stations?—Yes.

5630. Are there the means of keeping them to hard labour?—B proposed penal companies, I should say not.

[*His Lordship withdrew.*]

*The following are Copies of the Minutes in Council, and Extracts from s of the Military Committees, referred to in Lord William Bentinck's Ev*

## ABOLITION OF CORPORAL PUNISHMENT IN THE NATIVE

*Minute by the Governor-General and Commander-in-Chief.*

When at Ootacamund I recommended to Council that committees, consisting of the nd quartermaster-general, with three other members, should be directed to assemble at eac y, to report upon a set of queries connected with the well-being of the Armies of India: amon t was the expediency of altogether abolishing corporal punishment in the native Armies of presidencies.

I had long been of opinion that, without some reason of much more urgent necessity than had heard, this degradation could no longer be inflicted upon the high caste Sepoy of the Ben Army after it had been abrogated as a punishment in the general regulations of this presidency.

In making this inquiry I had also in view to obtain a knowledge of the system by which discipline was maintained in Madras and Bombay, and generally to acquire such information as would lead to a revision of the military code, and to adapt it to the more enlightened principles which have recently been introduced into the Articles of War for his Majesty's Army.

The Articles of War for the Company's native Army have not been touched since 1797, and they confer powers upon regimental courts martial that have long since been transferred to tribunals of higher resort, and do not contain the many minor punishments which have been substituted for the lash. Each presidency has hitherto had its own separate code; but, in our last council, when the revised Articles of War for the Bengal Army were submitted for sanction, it was then determined that one code should be established for the whole of India, and steps taken, in communication with the other governments, for incorporating into it the improvements to be found in the annual Mutiny Bill, and such others as local experience may point out to be necessary. There are many useful suggestions to be found in the report of the Madras committee.

The subject, however, of the present paper will be confined to corporal punishment, and I shall introduce it by two very important orders that were published in Bengal by Lord Combermere on the 19th March 1827, and modified by Sir Edward Barnes on the 2d November 1832, in a circular of that date.

By the first the sentences of courts martial in the Bengal native Army, in their awards of corporal punishment, were limited to the crimes of stealing, marauding, or gross insubordination; and it was directed that dismissal from the service should invariably follow the infliction of the sentence, with a proviso that the infliction of corporal punishments, and consequent dismissal from the service, should never take place without the previous sanction of the general or other officer commanding the division. His Lordship grounds his mitigation of this severe and disgraceful punishment upon the quiet and orderly habits of the native soldiers.

By the second Sir Edward Barnes takes away from the general or other officer commanding the division the power of sanctioning the sentences of courts martial awarding corporal punishment, and authorizes the officer who assembles the court, and who confirms the proceedings, to carry the sentence into effect, and to exercise his discretion according to the nature of the case, the previous character of the individual, and the circumstances which may render an example necessary or otherwise, in mitigating the punishment awarded, or in remitting it altogether; but directing strict adherence to the principles of the general order of the 19th March 1827, with this exception.

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This latter order was a most unfortunate countermarch from the advance that had already been made by Lord Combermere towards eventual abolition by a previous course of gradual mitigation and diminution under the proper check of the superior military authority of the division. Lord Combermere had been two years in India, had been brought into contact with a great part of the Indian Army by the siege of Bhurtpore, and was assisted by a very able officer as his adjutant-general, Colonel Watson. Sir Edward Barnes cancelled this order within the first year of his arrival. He acted apparently upon the principle of upholding the authority of the commanding officers of regiments, and he alluded to the injurious consequences, but without specifying them, that had come before his notice from the order of 1827. As a reason also for removing the restriction upon their former powers, he states that no instances on the part of commanding officers had been reported to him of excessive severity or frequency of punishment: but may not this effect be more justly attributed to the different spirit inculcated by Lord Combermere's order, and to the animadversion which any abuse of power would infallibly have drawn down upon them from his Lordship's authority? My own experience, on the contrary, has led me to the directly opposite conclusion; and a general order, which, as commander-in-chief, I have at this very moment caused to be published, will furnish a strong instance in point. Upon this occasion the commanding officer of the division, to whom, under Lord Combermere's order, this sentence must have been previously submitted for approval, condemned the sentence, and the conduct that had been pursued; and the degradation to the individuals concerned, and the bad effects which this proceeding must have on the minds of the Army at large, would have been spared.

I beg here to express an opinion that grave matters of legislation of this kind should not be left to the caprice of individuals, but should be settled by the legislative council, to which the authority of making Articles of War has been so properly confided.

The following is an abstract of the corporal punishments sentenced and executed in the last five years:—

STATEMENT showing the quantum of corporal punishment awarded and inflicted on the Sepoys of the native Armies of Bengal, Madras, and Bombay, and the number of men discharged, for the years 1829, 1830, 1831, 1832, and 1833.

| | | Corporal Punishment. | | | | Discharges. |
|---|---|---|---|---|---|---|
| | | Numbers sentenced. | Sentences executed. | Lashes awarded. | Lashes inflicted. | |
| Cavalry | *Bengal.* | | | | | |
| | 10 Regiments | 61 | 14 | 10,545 | 2,091 | 439 |
| | Average per Regiment. | $6\frac{1}{10}$ | $1\frac{4}{10}$ | $1,054\frac{5}{10}$ | $209\frac{1}{10}$ | $43\frac{9}{10}$ |
| | *Madras.* | | | | | |
| | 8 Regiments | 121 | 84 | 23,875 | 14,816 | 519 |
| | Average per Regiment. | $15\frac{1}{8}$ | $10\frac{4}{8}$ | $2,984\frac{3}{8}$ | 1,852 | $64\frac{7}{8}$ |
| | *Bombay.* | | | | | |
| | 3 Regiments | 185 | 126 | 37,805 | 22,970 | 279 |
| | Average per Regiment. | $61\frac{2}{3}$ | 42 | $12,601\frac{2}{3}$ | $7,657\frac{2}{3}$ | 93 |
| Infantry | *Bengal.* | | | | | |
| | 74 Regiments | 562 | 253 | 112,613 | 38,219 | 7,171 |
| | Average per Regiment. | $7\frac{44}{74}$ | $3\frac{31}{74}$ | $1,521\frac{59}{74}$ | $516\frac{35}{74}$ | $96\frac{67}{74}$ |
| | *Madras.* | | | | | |
| | 52 Regiments | 1,237 | 961 | 269,740 | 186,612 | 4,389 |
| | Average per Regiment. | $23\frac{41}{52}$ | $18\frac{25}{52}$ | $5,187\frac{11}{52}$ | $3,588\frac{36}{52}$ | $84\frac{21}{52}$ |
| | *Bombay.* | | | | | |
| | 26 Regiments | 950 | 756 | 210,710 | 140,795 | 2,836 |
| | Average per Regiment. | $36\frac{14}{26}$ | $29\frac{2}{26}$ | $8,104\frac{6}{26}$ | $5,415\frac{5}{26}$ | $109\frac{2}{26}$ |

| | Bengal. | Madras. | Bombay. |
|---|---|---|---|
| Average Lashes inflicted per Regiment { Cavalry | $209\frac{1}{10}$ | 1,852 | $7,657\frac{2}{3}$ |
| Average Lashes inflicted per Regiment { Infantry | $516\frac{35}{74}$ | $3,588\frac{36}{52}$ | $5,415\frac{5}{26}$ |

The contrast between the three presidencies exhibited in this statement will appear quite astonishing. Whether this result is the effect of difference of system in respect to military discipline, or of composition in regard to the character of the natives of the several portions of our territories from which each army is recruited, I have not sufficient data to enable me to form a certain opinion. But there are in these reports, confirmed by other information that has been within my reach, sufficient to lead to a probable conjecture of some of the prominent causes. I will take this opportunity of offering my humble opinion that my successor in the chief command cannot take too early an opportunity, after having made himself master of the state and circumstances of the Bengal Army, to obtain by personal investigation the same information respecting the other armies, in order that all anomalies may be corrected, and that the whole military system of India may be placed upon the footing most conducive to efficiency, and to the discipline and allegiance of our native troops.

The composition of the three armies has, no doubt, much influence upon this question; but, as it is treated of in a separate minute under a distinct head, I shall here make no reference to it.

I am satisfied that much more is owing to the system of discipline. Upon an examination of the returns from Madras and Bombay, from the latter most especially, it may be collected that, as was the practice in the British Army fifty years ago, and in full force when I entered the Army in 1793,

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infliction by the cat-o'nine-tails was the ordinary and general punishment for every offence, great and small, only varied as to the amount according to the different degrees of culpability, but always the lash: except in regard to the most trivial offences, corporal punishment was the echo in each and every one of the Articles of War. The principle of checking crime by measures of extreme severity, both in the Army and out of it, has since been strongly condemned by public opinion as being no less impolitic than cruel, and has gradually given way to milder penalties. Experience has proved the soundness of this doctrine, and corporal punishment is now maintained rather for its terrors, and only applied in cases of the deepest guilt.

It is not surprising that in India the same influences should not have had the same powerful consequences. The progress of more enlightened principles has been in this and every other branch of improvement slower, but still not wholly inoperative. In Bengal we have the excellent order of Lord Combermere in 1827; and, though cancelled in 1832, public opinion had then begun to be declared more openly than heretofore through the press, and would not be without its weight upon all military authorities. In the Madras Report we see that the question had been agitated, and a circular issued to commanding officers, calling for their opinion upon the practicability of substituting solitary confinement for corporal punishment. The answers of the great majority were in favour of the proposition; and, though no measure was taken upon it, the very discussion of the question, proceeding as it did from superior authority, induced both reflection and caution. The date of this circular does not appear. But in Bombay nothing has been done. The old antiquated system has continued to flourish with unimpaired vigour, and hence I account for the great excess of punishment over Madras. I had expected to find the very opposite result. The southern people, composing the Madras Army, are of much less sober and steady habits than the Hindhûstanees; and it might be that for them a more strict and severe discipline would be necessary, but half the Bombay Army, twelve out of twenty-four thousand, are from the Bengal provinces. Again, these latter might be of inferior character, all those who could not find service in the Bengal Army—the refuse, as it were, of the population, and therefore requiring more coercive means for their management. This may be true in part, but from communication with some Bombay officers it seems to be the belief that the Hindhûstanees are by no means deserving of this supposed imputation, or inferior in point of conduct to the rest of the Bombay Army.

The following abstract contains the purport of the answers of the three Committees to the question, "Whether or not corporal punishment could not with propriety be entirely abolished, with due reference to the discipline and general efficiency of the Army."

Four out of the six officers who composed the Bengal Committee, though they apprehend danger to the discipline of the service from the entire abolition of corporal punishment, strongly recommend every practicable limitation of its infliction, and propose to confine the power of award to general courts martial. Two of these officers express their conviction that the relatives of native officers, and young men of respectable connexions, are deterred from entering the ranks by the existence of corporal punishment.

The Madras Committee, sharing in the apprehension of the Bengal officers respecting the total abolition of corporal punishment, still evinces a very strong desire to restrict the infliction of the lash, on account of its moral influence upon the pride and feelings of soldiers, and the depression of spirit and manly feeling produced by its disgraceful effects upon the character of all.

They decidedly recommend that corporal punishment be, in every instance, followed by discharge from the service, which, they add, "would preserve the pride of the men, and perhaps do more to supersede the necessity of the lash than any other means that can be adopted, discharge being itself so great a punishment that the knowledge of its being added to the lash by regulation (for it is now the practice) will operate most distinctly to deter from the commission of crimes rendering individuals amenable to so heavy a penalty."

The Committee, also earnestly recommend, with the same view, that courts martial be authorized to award solitary confinement in all cases where corporal punishment is now applicable, and point out the necessity of having one code of military laws for the three native Armies of India, to be assimilated as much as possible to those of the King's service.

The Bombay Committee consider that corporal punishment cannot be entirely abolished with due regard to discipline and efficiency. They propose to restrict its infliction (not involving expulsion by infamy) to sentences of general courts martial; but add that all offences involving expulsion, and competent to regimental courts-martial, should continue to be punished by flogging.

Gambling is enumerated among such offences, and it appears, by the returns, that sepoys have been flogged in Bombay for borrowing and for lending money.

The committee, however, recommend the substitution (to a certain extent) of solitary imprisonment, under nearly the same limitations as those suggested by the Madras committee, but with the addition that the prisoner should forfeit a portion of his pay, during the term of his confinement, as in the case of the European soldier. They further recommend the introduction of mulct of pay, and forfeiture of service in relation to pension, under limitations similar to those actually in force in the King's service.

It appears from the preceding abstract that the Bengal and Madras officers agree in two important points respecting corporal punishment; that young men of respectable connexions are deterred from entering the ranks, and that it produces a baneful moral influence upon the pride, the manly feeling, and character, of the whole service.

The opinion of the Bombay committee is more in harmony with the practice hitherto pursued at that presidency, and evinces no strong conviction of the same advantages to be derived from the abolition. I am quite unable to comprehend the distinction for the jurisdiction of general and regimental courts, and the reasons why expulsion, with infamy, should be assigned to the lower tribunal. Some of the offences—gambling, for example—would not, I believe, be punished by corporal punishment in any Army.

But there is an unanimous agreement in all the committees that this punishment, however degrading and injurious, cannot entirely be abolished. They do not even stop for a moment to consider the practicability of an adequate substitute. With them all, corporal punishment is the *sine quâ non*, without which the discipline of the Army cannot be maintained. An insuperable terror appears to reign over the imaginations of all, and, like the native superstition, which sees in some charm or amulet the only protection against all evils that can afflict the body or haunt the mind, so corporal punishment is venerated as the sole security against every military distemper, and as the sole guarantee for the efficiency and good regulation of the Army. I denounce this opinion as prejudice, and nothing

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else but prejudice. It is opposed to reason; it is injurious to those feelings of the most importance for us to cultivate among our native soldiery—satisfaction with their condition, and allegiance to the state; it mars the composition of the Army, and excludes from it the very highest sense of conduct and of courage, which will be our best stay when real danger assails our empire, and it is as cruel as it is unnecessary.

I am at the same time not the least surprised at this opinion. I must not forget, that for many years of my life, in conjunction with ninety-nine hundred parts of the officers of the British Army, I entertained the same sentiments. It is only from long reflection, from the effects of discussion, from the observation that, since that time, though corporal punishment has diminished a hundred, perhaps a thousand fold, discipline has decidedly been improved, and the soldier treated like a rational being, and not as a mere brute, that my own prejudice, and that of others, have given way. I now feel confident that this degradation will speedily disappear before a more reasonable and enlightened legislation even in the British Army.

The arguments brought forward against abolition by the officers of the British Army have all been grounded upon the difficulty of finding an effectual substitute. No man has combated the proposition upon any other plea; but in the native armies of India, in Bengal particularly, not only are the ranks filled by men of high caste and character, of respectable connexions, and of the most orderly conduct, subordinate to all superior authority, as a habit, and proverbially faithful to their salt, but the service to them is of such great value, that discharge from it, including also loss of pension, is the greatest misfortune that can befal them. It is my firm conviction that we have, in the discharge from the service, the most complete substitute for corporal punishment. Discharge, it must be observed, is not only the loss of a situation which deprives the sepoy of a subsistence for life, with the chance of increased honour and emoluments, which he cannot get elsewhere, but his savings go far to the support, not solely of his own wife and children, but of the whole family community of which he is a member; and, in most instances, perhaps, he is deputed from his home for this particular object. And so loud and deep have been the frequent complaints made to me of the hardship of dismissal, that I am much induced to believe, if the alternative of corporal punishment, without discharge, were offered instead of discharge without punishment, the former would in many cases be accepted; for I cannot but think, the Suttee victim, who fled at the last moment from the funeral pile, could not receive a more unwelcome reception from the offended pride of her family than the sepoy whose weakness had deprived his of their subsistence.

Upon the full conviction, therefore, of the expediency, safety, and true policy of the measure, I recommend to council the immediate total abolition of corporal punishment in the native armies of India. The abolition of Suttee was advocated, in great measure, upon the grounds of humanity, of its disagreement, unsupported by any specific law of the Shastres, with the customs of the Hindhû population in general, and of its repugnance to all the principles that should be inculcated by a liberal government. Danger was then apprehended, but I never felt a fear or doubt upon the subject. Bad consequences are apprehended from the present large measure. My whole reason utterly repels the fear and the doubt; and, if the council of India concur with me, it will be for them to determine whether it should be done in the form of an order of the supreme government, confirming and extending to the three presidencies the general order of Lord Combermere, of the 19th of March, 1827, with the sole difference of directing expulsion from the service, for the crimes therein specified, without the addition of corporal punishment, or by the enactment of an article of war to the same purport by the council of India, in its legislative capacity.

*Calcutta, 16th February*, 1835. W. C. Bentinck.

I most heartily concur in the proposition of his Excellency the Commander-in-chief for the total abolition of corporal punishment in the native Armies of India.

A. Ross.

I also heartily concur in his Excellency's proposition.

T. B. Macaulay.

I also entirely concur in the expediency of abolishing corporal punishment in the whole of the native Army. That measure, indeed, may be viewed as having become indispensable after the abolition of corporal punishment by the courts of justice; but I do not recommend the declaration of its entire abolition *immediately*, because the European part of the Indian Army might see cause for discontent if the rule did not also extend to it, which is perhaps beyond the competency of the India Government, as far, at least, as relates to His Majesty's troops. If Lord Combermere's order of the 19th March, 1827, were published at all the presidencies, leaving it to the discretion of the local commander-in-chief to dismiss *without* the infliction of corporal punishment, the measure would perhaps be carried to a sufficient length for the present, without exciting the attention of the European troops, who, it may be hoped, will also be relieved at no distant time from the degradation, when the declaration of its total abolition might be published without any risk whatever.

I have long known that native officers have expressed aversion from allowing their sons to enter our ranks, from the dread of their being degraded by corporal punishment; but I doubt if its abolition would bring many of that class to take service as sepoys. In the services of native states the sons of the sirdars expect to be sirdars themselves, and I know not if it be very desirable that the sons of our native officers should be much encouraged to enlist. They would come with higher pretensions than our present recruits, and would not be so easily managed. If well conducted, they would be the most likely to be well encouraged by the European officers, not only from a feeling in their favour, but from the higher acquirements which they would probably possess; but the other sepoys would be very apt to ascribe their success to partiality. If many sons of native officers should thus come into and rise in the service a new era would commence in our native Army; a sort of military aristocracy would gradually spring up, the effect of which it is not easy to foresee. At present the highest ambition of a sepoy is to become a native officer, but persons of higher notions might in time be expected to encourage higher prospects, to the risk of our power, or at all events to the discipline of our service. We know that our native Army, as now constituted, is efficient and loyal, and it is hard to say whether these high qualities would continue in the same degree if we should employ any means likely to depress the fair prospects of the old sepoys by the introduction of any classes of persons likely to obtain the promotion to which the former now look forward as their highest reward. I do not mean to say that evil would *certainly* ensue; but who can say to what such a change might lead?

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However, I am not one of those who expect that we should receive many recruits from the families of native officers, or from those of similar rank in other walks of life, who will not submit to the discipline of a regular army.

*Calcutta, February 18th*, 1835.

W. Morison.

(Extract.)

Proceedings of a committee held by order of the Honourable the Vice President in council, and under instructions from the Right Honourable the Governor General, communicated in a letter from the secretary to Government, to the address of the deputy secretary, dated the 3d April, 1834, for the consideration of certain subjects hereinafter detailed, upon which the officers composing the committee are called upon to report their opinions.

*President*—Colonel J. R. Lumley, adjutant-general of the army.

*Members.*

Lieut.-Col. Battine, Artillery, Deputy Principal Commissary of Ordnance.
Lieut.-Col. Dunlop, Quartermaster-General of the Army.
Major Honywood, 7th Light Cavalry.
Capt. L. S. Bird, 24th Regiment Native Infantry.
Capt. H. B. Henderson, First Assistant Military Auditor-General.

The committee having assembled at the president's quarters, proceed to the discussion of the *first* question mentioned in Colonel Casement's letter to the deputy secretary to Government, military department.

"Whether or not corporal punishment could, with propriety, be entirely abolished in the Bengal native Army, with due reference to its discipline and general efficiency."

There being some difference in the sentiments of the several officers of the committee on this subject, it is determined that each opinion shall be recorded separately.

*Opinion of the President.*

Colonel *Lumley* conceives that the total abolition of corporal punishment would be attended by danger and difficulty; and that, should anything, subsequent to the adoption of such a measure, happen, calculated to raise doubts of its expediency, a revival of the system would be unsafe.

Colonel *Lumley*, however, strongly advocates the having recourse to every expedient likely to diminish the number of inflictions, and for this purpose earnestly recommends that none but general courts martial should have the power of awarding corporal punishment to men of the native Army of Bengal and that only for the higher offences usually called capital crimes.

In cases of a lower sort of delinquency, Colonel *Lumley* is of opinion that the dismissal of the offender from the service is the most advisable punishment; and that it will, in almost every instance, be felt by the discarded individual as abundantly severe.

Where thefts are charged, Colonel *Lumley* submits that their investigation should be left to Zillah courts in all practicable cases.

J. R. Lumley, *Colonel*,
*President.*

*The Opinion of Lieutenant-Colonel Battine.*

I am greatly averse to frequent corporal punishment, and am fully satisfied it can be but seldom called for in our native Army; still I fear it cannot, with safety, be entirely given up. I would therefore retain the power of inflicting it under the restrictions laid down in the circular letter of the adjutant-general of the Army, bearing date 2d November, 1832.

W. Battine, *Lieutenant-Colonel.*

*The Opinion of Lieutenant-Colonel Dunlop.*

Corporal punishment ought, in my opinion, to be abolished, unless by the sentence of a native general court martial. In general, discharge from the service is considered a heavy punishment by natives, and the abolishing corporal punishment would greatly contribute towards getting a better description of men into the ranks. The relatives of native officers are often prevented from entering the service from the existence of flogging; but, by limiting the infliction of it to general courts martial, an improved feeling towards our native service will, I think, result.

W. Dunlop, *Lieutenant-Colonel, Quartermaster-General.*

*The Opinion of Major Honywood.*

It appears to me that discipline cannot be efficiently upheld in the native Army, if the infliction of corporal punishment be abolished *in toto*. I would always make an example for theft, and cases of gross insubordination.

E. J. Honywood, *Major.*

*The Opinion of Captain Bird.*

The total abolition of corporal punishment would, unquestionably, be considered a vast boon by our native soldiery; and its probable operation would be the introduction into our ranks of more young men respectably connected, whose friends are perhaps deterred from offering their connexions from the knowledge that corporal punishment does exist, without, in all probability, understanding or appreciating the restrictions which obtain.

Whilst the total abolition of corporal punishment would, on the one hand, operate beneficially with the well-disposed, it might, on the other, tend to encourage the evil-minded, who are at present restrained only by the fear of the lash.

Should such be found to be the result, and a repeal of the total abolition of corporal punishment be deemed necessary, the introduction of it after once being abolished, would, no doubt, be received with dissatisfaction.

Under these considerations I am inclined to believe the total abolition of corporal punishment, involving, as it surely must, doubts as to its general operation, might not with safety be attempted.

The restrictions in the circular of 2d November, 1832, might, perhaps, be beneficially extended by confining to general courts martial the power to inflict corporal punishment, and were the crime of

theft to be made cognizable in all practicable cases by the Zillah courts alone, it would relieve courts martial from investigating so disgraceful a charge, and would tend to raise military courts in the opinion of the men.

*General Lord W. Bentinck*

It may not be considered out of place to mention here, in proof, that the restrictions which obtain almost virtually amount to a total abolition of corporal punishment; that in the 24th regiment native infantry not a lash has been inflicted for the last five years, and only once has it been awarded.

During three years of this time the regiment has been employed for a considerable time in active operations, and has been and is now taking harassing duties, and yet only one court martial has been convened, and, had the circumstances which originated this one court martial occurred with any other individual in the corps but the one in question, recourse to such an extreme measure would hardly have been deemed necessary.

LOUIS BIRD, *Captain.*

*Opinion of Captain Henderson.*

The limitations in the circular of 2d November, 1832, from the adjutant-general's office, already restrict the infliction of corporal punishment to cases of extreme urgency and serious delinquency on the part of the native soldier. The punishment at all under such injunctions must be very rare. It does not appear advisable altogether to abolish this ultimate means of severity and example; but the power may be somewhat further restricted, and its use, as is desirable, be still further diminished. The circular above mentioned confers the power on regimental, brigade, garrison, and detachment courts martial; it might be reserved only to general courts martial.

H. B. HENDERSON, *Captain.*

(Extracts.)

At a meeting of officers convened by his excellency the Commander-in-Chief, by order of the Right Honourable the Governor-General of India, at the adjutant-general's office, in Fort St. George, on Wednesday, the 4th June, 1834.

Present,

*President.*—Lieutenant-Colonel T. H. S. Conway, Adjutant-General.

*Members:*—

Lieutenant-Colonel M. Riddell, 2d Light Cavalry.
Lieutenant-Colonel J. H. Frith, Artillery, Principal Commissary of Ordnance.
Lieutenant-Colonel J. Hanson, Quartermaster-General.
Captain T. Eastment, 26th Regiment N. I., Secretary to the Clothing Board.

The committee having deliberated on its instructions, and given due consideration to the several papers, on the important subject of the limitation of corporal punishment, which the adjutant-general has laid before it, and which form part of the records of this Army, it will be seen that restriction of the lash has been a subject which, from the time Sir Samuel Auchmuty commanded this Army to the present moment, has been repeatedly and strenuously inculcated. The committee, therefore, records its opinion, as follows, on this momentous question:—

That it would seriously militate against the discipline, good order, and subordination of the Army *entirely* to abolish corporal punishment, or to allow the soldiery, whether European or native, to feel an exemption from the pains and penalties of crimes deserving the severity of the lash; but that, both in moral influence upon the pride and feelings of the soldiers, and the depression of spirit and manly feeling produced by its disgraceful effects upon the character of all but the most abandoned and irreclaimable individuals, it is desirable to limit the infliction of the lash, and to restrain the indiscriminate infliction of corporal punishment, and even the obloquy of trial by courts martial on trivial and minor offences, as much as practicable with a due regard to the *morale* of the Army.

The injudicious resort to severity of punishment debases the soldier's mind, and renders him callous to the support of character, the pride and manly bearing which should characterize the profession of arms, and the good opinion of his superiors. But, by the substitution of wholesome restraints, and minute attention to check minor offences, flagrant crimes will become less common, and the knowledge that the power exists to punish with severity those of graver or disgraceful nature will operate advantageously on the self-pride and professional feeling of the soldiery; and the committee anticipate that, in progress of time, the necessity of having recourse to severity will become a measure of rare occurrence.

To effect these objects the committee recommend that regimental courts martial, whether on European or native troops, be limited to the trial of offences of a disgraceful nature; viz.—

1. Insubordination and violence, or offering violence to superior officers.
2. Drunkenness upon duty.
3. Sale of or making away with arms, accoutrements, and necessaries; stealing, or other conduct of a disgraceful nature.

And further that, for these offences, when attended with any circumstances of an aggravated nature, as well as all other crimes and misdemeanors now cognizable by martial law, the soldier shall be liable to trial by a general or other superior court martial, according to the Articles of War and custom of the service in like cases.

This will, in the opinion of the committee, effectually check the infliction of the lash in all ordinary cases, and still preserve the discipline, good order, and subordination of the Army, by a proceeding which, from the progress of the charges, the deliberation of superior intermediate authorities, and the higher tribunal before which they must be tried, with the ultimate confirmation of the highest military authority, will be divested of all hastiness of decision or precipitancy of judgment, and secure to the soldier the most impartial hearing, judgment, and decision, upon his ultimate fate.

The committee is, however, of opinion that, with these restrictions of the lash, and limits to the powers of regimental courts martial, it will be necessary to strengthen the hands of commanding officers by legalizing and providing the means of inflicting minor punishments. Of these it will be found, both for the European and native Army, that the most fitting is imprisonment with hard labour, and imprisonment and solitary confinement; the former for Europeans only, and the latter for natives. Imprisonment with hard labour will, in the opinion of the committee, be found a most salutary punishment for Europeans, particularly if the tread-mill is the instrument of labour, for the disgrace and irony it produces has a most powerful influence over the minds of men who dread the taunts and ridicule of their comrades far more than even corporal punishment; and the committee

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cannot conceive that the climate is altogether a bar to this wholesome discipline, but only requires that it be inflicted at proper times of the morning or evening, without exposing the prisoner to the heat of the sun. Solitary confinement is alike applicable to Europeans and natives, with this exception—that the native should not be subject to any stoppage of pay, but be dieted by his family, under prescribed rules for low diet with which he is to be punished, and served under superintendence and regulation.

It has for some years past been matter of serious consideration in this Army, whether it might not be practicable in a great measure to supersede the necessity of inflicting corporal punishment, by the introduction of some other less objectionable means of coercion. In this view, a circular was some time since addressed to commanding officers of regiments, requesting their opinion relative to solitary confinement as a punishment awardable by sentence of courts martial.

The result has been the strongest recommendation in favour of its adoption, as calculated greatly to benefit the service by almost entirely superseding the use of the lash, which latter disgraceful punishment would then be confined to offenders, who, would, after its infliction, be discharged from the service.

Of sixty-six commanding officers of native corps, fifty-five advocated the proposed system, which they consider calculated to be most beneficial to the native Army, and many expressed a conviction that it would greatly raise the character and estimation of the service amongst the natives generally. Only eleven commanding officers objected to it, and these upon very insufficient and inapplicable grounds.

It has, in fact, been already tried in some regiments, the commanding officers of which were accustomed to sanction its award by courts martial, until prohibited from head-quarters on legal grounds of objection, and it is also even now in force to a limited extent, the standing orders of the cavalry and native infantry authorizing its infliction for a period not exceeding seven days. In both cases the result has been the same, the trial has proved it to be a most admirable means of punishment.

It seems, indeed, still more advisable that it should be sanctioned as a military punishment, in consequence of the civil authorities having been already empowered to award it.—*Vide* Regulation XIII. A. D. 1832, section 4. Military offenders are occasionally tried by military courts for offences under the civil regulations, and, in such cases, the courts are authorized to award solitary confinement, while the same courts, trying the same men, under the Articles of War, could not make such award, though very desirous of doing so, feeling it to be of very beneficial tendency.

The committee, therefore, strongly urge the publication of a Government Regulation, authorizing military courts to award solitary confinement in all cases wherein corporal punishment is now applicable ; general courts martial for a period not exceeding ninety days, and all minor courts for a period not exceeding thirty days. The necessary subsidiary arrangements could be ordered to be made by the Commander-in-chief.

The committee are persuaded the results would be in the highest degree advantageous to the native Army.

The committee further beg to offer its opinion, that the native Armies of the three Presidencies should be governed by one code of military laws, and that those now in use may be approximated more to the King's Articles of War, by providing for the trial of offences by different descriptions of courts, and increasing the penalties now sanctioned by law or usage for both capital and minor offences. General courts martial may be much limited by establishing district or garrison courts martial, with a limited number of members, and, indeed, solely confined to the trial of capital crimes, affecting the life or limb of the prisoner.

That district or garrison courts should award any punishment not affecting the life or limb of the prisoner; and if the penalties of loss of grades in rank to native officers and the loss of service, pension, and other claims or immunities to native officers, non-commissioned officers, and privates, be enacted as legal punishments, it will materially tend to lessen the necessity for corporal punishment and the infliction of the lash, even by superior courts martial, while the regimental court martial will be restricted as to crime, and limited in the quantum and degrees of punishment; but the committee decidedly recommend that, in the native Army, the infliction of the lash be invariably followed by discharge from the service. This will preserve the pride of the men, and, perhaps, do more to supersede the necessity of the lash than any other means that can be adopted, for discharge is in itself so great a punishment, that the knowledge of its being added to the lash by *regulation*, for it is now the *practice*, will operate most distinctly to deter from the commission of crimes rendering the individuals amenable to so heavy a penalty.

(Extract.)

Proceedings of a committee assembled by order of Major-General Sir James Stevenson Barns, K.C.B., Commander of the Forces, under instructions from the Right Honourable the Governor in council, in compliance with directions from the Right Honourable the Governor-General.

*Bombay*, 28*th April*, 1834.

*President.*—The Acting Adjutant-General of the Army.

*Members.*

Lieut.-Col. E. M. Wood, Bombay European Regiment.
Major W. D. Robertson, 8th Regiment, N. I.
The Quartermaster-General of the Army.
Major P. D. Ottey, 11th Regiment, N. I.

The committee, having met pursuant to order, proceed to deliberate on the first proposition, viz.:—

"Whether or not corporal punishment could with propriety be entirely abolished in the Bombay native Army, with due reference to its discipline and general efficiency."

The committee are of opinion that corporal punishment cannot *entirely* be abolished in the native Army under the Bombay presidency with due regard to its discipline and efficiency.

The infliction of corporal punishment (not involving expulsion by infamy) might be restricted to the sentences of general courts martial in garrison and detachment courts martial in the field for the crimes of desertion, mutiny, insubordination attended with violence to non-commissioned officers, marauding, &c., in cases where the higher penal awards of the Mutiny Act were deemed too severe.

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It is in the recollection of the president and several members of the committee, where a highly excited spirit of insubordination, which manifested itself in a picket of considerable strength, was immediately checked by the general officer commanding the field force on the spot trying every tenth man and carrying the award into instant execution.

All offences involving expulsion, and competent by regimental courts martial, such as thieving, gambling, &c., should still continue to be punished by flogging, as it is highly necessary to inflict a disgraceful punishment for these crimes, in addition to drumming out.

The committee beg leave to recommend the substitution, to a certain extent, of solitary imprisonment on restricted diet, in lieu of corporal punishment, to be introduced into the native Army of this presidency. They deem it advisable, in case of this suggestion being acted upon, to recommend that the highest award of solitary imprisonment to the soldier by general court martial shall not exceed three months, or ninety days, and that regimental courts martial be restricted from sentencing for a longer period than three weeks, or twenty-one days, as they conceive the native constitution would be liable to sink under protracted confinement and low diet.

European soldiers, when sentenced to imprisonment, are deprived of their pay during the period they are confined: it will be advisable to establish a similar rule in the native Army, allowing the sum of 33 reas per diem for subsistence. The balance of pay might be formed into a fund to provide cell clothing.

As solitary imprisonment is admitted to be detrimental to the native constitution, it is advisable to extend the code of punishment in aid, in combination, and, as occasion or circumstance might render expedient (for instance, when on field service), in lieu thereof. The committee therefore suggest the adoption of mulct of pay as an authorized punishment by sentence of courts martial, not exceeding half the sepoy's in any one month, nor for any longer period than twelve months in any one sentence.

And further, as in some cases in His Majesty's service a prospective reference is made to the pension of delinquents, courts martial might be authorized in adding weight to sentences for higher crimes, to strike off periods of service not less than one year or more than five in any one sentence, or to deprive a man of his claim to pension, or of any portion of it, which being confirmed by competent authority, it should not be within the power of any person, inferior to the general officer commanding the forces for the time being, to remit this sentence, nor until after at least seven years of exemplary conduct, or highly conspicuous behaviour in the field, on proper representation of the case by the officer commanding the regiment or detachment.

P. Fearon, *Acting Adjutant-General and President.*
E. M. Wood, *Lieutenant-Colonel.*
W. D. Robertson, *Major.*
A. Morse, *Lieutenant-Colonel, Quartermaster-General of the Army.*
P. D. Ottey, *Major.*

## ESTABLISHMENT OF PENAL COMPANIES.

*Minute by the Governor-General.*

I have the honour to lay before the Council a Minute, in my capacity as head of the Army, proposing the abolition of corporal punishment in his Majesty's and the Company's European regiments in India; and the formation of a penal company in each of the presidencies, to which men of confirmed bad habits, repeatedly convicted of crimes, may be transferred by the sentence of a general court martial.

The subject has for many years engaged the public attention, both in and out of Parliament, but as yet no substitute has been suggested, which has not been disapproved by the great majority of military officers, and which, as far as the experiment has been made, has not been attended with failure.

I do not profess to judge whether the plan now proposed may be applicable to other parts of the British empire; but, with respect to India, should the proposed penal companies, contrary to my sanguine expectation, not make it practicable entirely to dispense with the degrading punishment of the lash, still I can, at least, confidently assert that they would prove a most valuable adjunct to the penal enactments of our military code. The position, in this country, of the soldier is surrounded with peculiar disadvantages—inaction, the depressing effects of the climate, the natural recourse to stimulants for relief, and the abundance and cheapness of spirituous liquors. To these must be added another cause of demoralization and corruption peculiar to the Army of India, whose strength is annually recruited not by young men not yet hardened in vice, but by the reception of the most profligate and worthless characters from the regiments proceeding to Europe in the order of relief. For this latter evil, and a very great one it is, the plan which I have already submitted of sending the relieved regiments by New South Wales, will be a remedy. But the penal companies will remove from the corps, during their stay in India, the bad men which they bring out with them, who are a constant source of disorder and crime. But I beg leave to refer to the Minute itself, which records more at length my sentiments upon this subject.

I have only now earnestly to request the particular attention of Council to the improvement and correction of a plan, which, if successful, would supply a great desideratum hitherto in military jurisprudence.

W. C. Bentinck.

*Calcutta, January 1st,* 1835.

*Minute by the Commander-in-Chief.*

In no part of the world in which the British soldier is called upon to serve is the strictest and most minute attention to discipline more indispensably necessary than in the East Indies. The relaxing and enervating effects of a climate hostile to the health and opposed to the habits of the European, the facility of obtaining intoxicating liquors at the smallest possible cost, the impossibility of enjoying at certain seasons of the year that portion of bodily exercise to which in Europe the soldier has been accustomed, all combine to render it peculiarly necessary to enforce the strictest discipline, and, at the

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same time, to provide every possible mental resource that may tend to diminish the pressure of confinement and to fill up the vacuum of idleness.

The laudable efforts of the general, commanding-in-chief His Majesty's Army, to ameliorate the moral conduct of the British soldier by the diminution of corporal punishment, have evidently failed in India at least, for the number of courts martial has rather increased in the last four years.

I am disposed to attribute this failure to the want of an adequate substitute to supply the place of one of the severest modes of coercion hitherto resorted to for the maintenance of discipline; for the substitution of transportation to New South Wales has been found totally inadequate, inasmuch as too many of our soldiers consider their removal to that land of promise as a boon rather than as a punishment.

Abstract of a Return of the Number of Courts Martial held on Non-commissioned Officers and Privates of His Majesty's Regiments in the Bengal Establishment, for the Years 1831, 1832, 1833, and 1834.

| | General. | District or Garrison. | Regimental. | Total. |
|---|---|---|---|---|
| 1831 . . . . . | 11 | 129 | 272 | 412 |
| 1832 . . . . . | 13 | 172 | 338 | 523 |
| 1833 . . . . . | 14 | 127 | 275 | 446 |
| *1834 . . . . . | 60 | 124 | 317 | 501 |

Under the full conviction of the expediency of doing away with corporal punishment in His Majesty's regiments, and of the necessity of finding some efficient substitute, I have been led to consider this important subject under two points of view; and to endeavour, in the first place, to show that the cultivation of the mind of the British soldier calls for an ameliorated and mitigated code of military law; and, secondly, to propose such a substitute for corporal punishment as shall limit its infliction to condemned or penal companies, to which no man can be sent but by the sentence of a general court martial, in consequence of his repeated evil deeds.

To form a just idea of the moral advantages enjoyed by British soldiers in India in the present day, as compared with their former position, we must examine what has been done for them and their families in regard to education.

Until his late Royal Highness the Duke of York introduced the system of regimental schools the family of the British soldier grew up in ignorance and vice, and were considered, and with reason, as outcasts of society. The parents themselves had no possible means of improvement, and no hope of ever being able, by any efforts of their own, to remedy the defects of early neglect.

The present state of the British regiments, thanks to the paternal care and foresight of a prince whose whole life was dedicated to the well-being of the Army, exhibits a very different picture.

All the children of soldiers are now educated in the regimental schools, where they make great proficiency in reading, writing, and arithmetic; the girls are also taught to knit and to sew, and the moral feelings of the children are carefully cultivated.

The soldiers, in considerable numbers, attend the schools, and make a rapid progress in reading and writing. In India the regimental libraries of the soldiers generally contain from 500 to 600 volumes of well-chosen books; they receive the leading newspapers, and their reading-rooms possess comforts and convenience.

To maintain generally the degrading punishment of the lash, in co-operation with such an improved state of mental cultivation, would be as absurd as cruel. It is, however, absolutely necessary to supply its place by the adoption of a substitute equal to maintain and to improve the discipline of the Army; and under this impression I submit the expediency of establishing in India a certain number of penal companies, to whose ranks corporal punishment shall be limited, and all hardened offenders, for whose correction all other punishments have proved insufficient, be sent by sentence of a general court martial.

For India I should propose one penal company in each of the presidencies, whose strength should be in proportion to the number of European corps; and I should anticipate from their establishment the most salutary effect on the conduct of the European troops in India.

The plan of penal companies has been already tried at Sierra Leone with good effect, and there is every reason to believe that its adoption generally would, by relieving the regiments of some of their worst characters, tend much to the improvement of their discipline and their respectability.

In the Appendix to this Minute I have submitted a plan of organization of the proposed penal companies in India, taken in some measure from that adopted in Sierra Leone, but varying in many essential particulars, and carefully guarding the British soldier from any degradation, but that which shall proceed from the sentence of a court martial.

Too much attention can never be paid to the moral qualities of the officers and non-commissioned officers selected for the charge of the penal companies.

They should unite mildness of temper and great forbearance with infinite firmness and decision, and they should receive, as a recompense for the anxiety, trouble, and fatigue they must undergo, additional compensation, equal to one-half of the pay and allowances of their actual rank.—N. B. It has been generally observed that a few bad characters, permitted to volunteer into the regiments on their first arrival in India, have had a most pernicious effect upon the conduct of the whole corps.

W. C. Bentinck, *Commander-in-Chief.*

*Calcutta, January 1st, 1835.*

## APPENDIX.

*On the Organization of Penal Companies in India, as a Substitute for the Abolition of Corporal Punishment in His Majesty's Regiments.*

It is proposed—

1. That one penal company shall be established in each of the presidencies, varying in strength according to the number of European corps.

* For this year the month of December is not included.

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2. That corporal punishment be abolished in His Majesty's regiments, and confined to the penal companies.

3. That no man be sent to the penal companies but by the sentence of a general court martial, for crimes which would otherwise have been punished by corporal punishment or transportation.

4. Men sent to a penal company by the sentence of a general court martial to forfeit all claim to pension, or to additional pay for length of service.

5. A full report to accompany each man on being sent to a penal company as to his former character and conduct, and the number of times he has been tried and punished, and the crimes for which he may have been brought to a court martial. This report to be sent to the commanding officer of the penal company, sealed and marked "Confidential." The crimes the men may have committed to be kept strictly secret, even from the other officers of the company.

6. Every man on joining a penal company to be informed by the officer commanding that his former faults are forgiven and forgotten, and that his future fate will depend entirely on his future conduct. The only exception to this rule to be where the crime has been of so aggravated a nature as shall induce the court to sentence a man at once to the second division of the penal company.

7. The commissioned and non-commissioned officers of the penal companies to be selected with the greatest care and attention, and exclusively on account of their aptitude for so very important a charge.

8. The head quarters of each penal company in India to be selected by the Governor-general of India in council.

9. Each company to be formed into two divisions; all men on first joining, with the exception before mentioned, to be placed in the first division, and only to be removed to the second by the sentence of a court martial.

After two years of good conduct the men of the first division to be allowed to volunteer into their own regiment, or any other; but men once condemned to the second division never to be allowed to volunteer into any regiment, or to have again the honour of joining any corps. Should their conduct, however, appear to have greatly amended, the commandant of the company, after a lapse of seven years, may be permitted to apply for their discharge.

10. The wives and children of men condemned to the penal companies, to remain with the regiment, and the children to be educated in the regimental school, and placed, in the absence of the mother, under the care and superintendence of some well-conducted woman of the regiment.

The wives of the men of the first division to be allowed to join their husbands at the expiration of a year, provided the conduct of the men has been good.

The men of the second division not to be allowed this indulgence under two years, and then only as a reward for ameliorated conduct.

The women and children remaining with the regiment to receive an allowance from Government sufficient to maintain them from want.

11. In the penal companies corporal punishment to be limited to the crimes of theft, mutiny, and exciting to mutiny, striking non-commissioned officers, stabbing or drawing the bayonet, loading musquets with intent to destroy life, or maim a comrade, or inflict self-mutilation.

12. Capital punishments, either in the regiments or in these companies, are provided for in the Mutiny Act.

13. The commanding officer of a penal company to have the power of confining a man in the Congee house, or solitary cells, on bread and water, for a period not exceeding eight days.

## PROPOSED COMPOSITION, SUBDIVISION, AND EMPLOYMENT OF A PENAL COMPANY.

### *Officers, Non-commissioned Officers, and Privates of each Company.*

*Commissioned Officers.*

1 Captain Commandant,
2 Lieutenants,
2 Ensigns,
1 Assistant-Surgeon.

One of the lieutenants to act as paymaster; one of the ensigns as adjutant and quartermaster.

All these officers doing their company duty at the same time, and when upon leave of absence, from whatever cause, to be relieved by another officer, who shall be entitled to all extra allowances.

*Non-commissioned Officers.*

1 Serjeant-Major,
1 Quartermaster-Serjeant,
1 Serjeant in the orderly room,
1 Corporal as Drum-Major,
1 Corporal as Bugle-Major,
10 Duty Serjeants,
10 Duty Corporals.

*Privates.*

200 Privates.

N.B.—This is the proposed strength of a penal company in Bengal and Madras: one half of this establishment for Bombay.

*Subdivision.*

1. Each company to be divided into two divisions, and all men on first joining to be entered in the first division (with the exception already mentioned).

2. Each company to be divided into ten messes, one serjeant and one corporal to each mess.

3. The men of the second division to be formed into a labouring and a chain gang.

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*Employment.*

1. The men of the first division to work as artificers or labourers, and to receive an extra pay to be applied to the increase of the comforts of their messes, and to extra clothing.

2. All the men, on first joining, to be attached to the working parties, and none to receive extra pay for the first six months.

3. The extra pay to the artificers of the first division to be from two to four anas per diem, that of the labourers never to exceed two anas.

4. The artificers of the first division to be permitted to work at their trades in the barracks, and the labourers of that division to take their turn of work like any other duty, to dig foundations, cut stone, burn and prepare lime and mortar, make roads, construct bridges, build houses, &c. The men of the first division to be under no further restraints than those imposed on all soldiers.

5. The men of the 1st division of the best character and conduct are not to be forced to work, unless the exigencies of the service require it, but to be employed in the ordinary duties of soldiers. From these men the main guard, consisting of a serjeant and twelve men, must be selected, and from the 1st division the *paid* artificers and labourers to be invariably taken.

6. Overseers to be appointed from this division from among the best of the men, with a considerable extra pay.

7. The 2d division of each company to be composed of men removed from the first by the sentence of court martial, and to be divided into a labouring and a chain gang. The men of this division to be always under restraint whilst at work, to have no liquor or extra pay, to be locked up at meal hours and at night. The chain-gang are not to work in chains for a period exceeding eight days.

When the men of the 2d division are employed as labourers, they are to do the work of coolies, that is, to attend upon and carry for the labourers of the 1st division.

*Minor Punishments.*

The minor punishments of the penal companies to be strict confinement to barracks, drill, temporary stoppage of liquor, prohibition from working as paid labourers, solitary confinement on bread and water, exclusion from messes where extras are allowed; and to sellers of kit, hard labour on the roads, and stoppage of pay till the necessaries made away with are again complete.

*Hours of Work.*

In the hottest season in India a man may work five hours per diem, viz., two and a half hours in the morning, and the same in the afternoon:—in the cold weather, four hours in the morning, and four in the afternoon.

*Buildings.*

The hospital, solitary cells, men's barracks, commissariat and medical stores, officers' quarters, guard room, orderly room, quarters for the serjeant-major and quartermaster-serjeant, carpenter's shop, smith's forge, and bakehouse, to be built by the men of the company.

In consideration of the composition of a penal company, it would be desirable to build for the men small separate houses, each to contain a serjeant, corporal, and twenty privates, and also separate houses, each to contain a certain number of families.

Many desperate characters cannot be thrown together without danger, and nothing would more facilitate the preservation of discipline than this subdivision.

Fifteen solitary cells should be constructed for each company in such form as to preclude all communication between the prisoners.

In order to facilitate the instruction of the men on first joining the company as to building, constructing bridges, making roads, &c., it would be advisable to attach, for a time, to each company, a certain number of sappers.

The necessary quantity of tools, of every description, to be furnished by Government.

*Stoppages.*

All the money arising from stoppages of pay, to be employed in providing mess furniture, table-cloths, plates and dishes, knives and forks, drinking cups, gardening tools, pay of a gardener, and balls and bats for the amusement of the men, &c.

*Canteen.*

A canteen to be established on the most approved system of the regimental canteens, and every possible means employed to procure good and cheap beer, and to induce the men to drink it in preference to spirits.

The canteen fund to be under the control of the Commandant, and the profits to be employed for the benefit of the men. The accounts of the canteen fund to be kept with the strictest regularity, and to be submitted to the inspecting officer at each half-yearly inspection.

*Clothing.*

The men to be clothed in a red shell jacket and grey pantaloons, or white jacket and white pantaloons, as the season may require.

The red shell jacket and grey pantaloons to be furnished by Government once in two years, and a forage cap and a pair of shoes once a-year. All other articles of dress to be paid for by the men.

The appointments and arms to be supplied by Government.

*Books and Accounts.*

These must be kept with the most accurate attention to His Majesty's orders, and submitted half-yearly to the inspecting officer.

*Divine Service.*

To be performed every Sunday by one of the officers.

The penal companies equally to comprehend King's and Company's European troops.

*Monday,* 8th *February,* 1836.

The Right Honourable Lord WHARNCLIFFE in the Chair.

Major-General the Right Honourable Sir *Henry Hardinge,* K. C. B., was examined as follows:

*Major-Gen. Sir H. Hardinge.*

5631. How long is it since you entered the Army?—I joined my regiment in 1801, in Canada, being fourteen years of age.

5632. How long did you remain acting as a regimental officer?—About eight years.

5633. You were afterwards upon the Staff?—Yes, in the Peninsula chiefly.

5634. You served with the Portuguese Army?—I did; I was deputy quartermaster-general to the Portuguese Army. During the last year of the campaigns I commanded a Portuguese brigade of five battalions, in the Pyrenees and France.

5635. Of what regiment in the English service had you the command?—Temporarily the 57th. When the war was over I served, regimentally, in the Guards for five or six years.

5636. Has your attention ever been directed to the possibility of doing without corporal punishment in the British Army?—Yes, it has.

5637. Have the goodness to tell the Commissioners what is your opinion upon that subject?—My opinion decidedly is, that the discipline of the Army would materially suffer if corporal punishment were to be altogether abolished. I do not consider it could be abolished at home and reserved for service abroad. I think there would be great danger in allowing troops to be absolved by law from the infliction of corporal punishment at home, and when called upon to serve against an enemy in the field, that then, and then only, they should be liable to be flogged. It appears to me that if soldiers the instant they left their own shore to encounter dangers against an enemy abroad, were then liable to be punished by a mode to which, in England, obloquy and disgrace had been previously attached; and that, after many years' cessation of corporal punishment at home, (the men being unaccustomed to it, and considering it a disgrace,) you were of necessity obliged to resort to it in the field, the men might, with arms in their hands, resist the infliction of that punishment as being a disgraceful one (habit being the soldier's second nature), and that, at the very moment when you most required a strict discipline against the enemy, you would incur the risk of resistance and of dangerous mutinies.

5638. With respect, in the first instance, to the abolition of the punishment at home and in the Colonies, without reference to a state of warfare, do you think it would be possible, by any means, to place matters on such a footing as to obviate the necessity of corporal punishment?—No, I do not. I think that if you once gave way upon the subject of corporal punishment, many punishments of a minor description, which are now effectual in repressing the evil which you wish to correct, would inevitably fail, because those punishments are now effectual in consequence of the soldier's knowing that, if he does not submit to them, there is in reserve for him a more severe punishment, which will be infallibly inflicted, and that all the minor punishments, such as confinement in the black hole, solitary confinement, drills in marching order, and others which have been resorted to of late years, to prevent the necessity of corporal punishment, would fail. A non-commissioned officer, being directed to put a man in the black hole, would probably be knocked down, the fear of a flogging no longer restraining the culprit; and serious crimes would grow out of slight offences. Therefore I conceive it would weaken the effect of every other species of punishment if you gave way upon the severer punishment of flogging.

5639. Supposing military prisons to be established throughout England and Ireland, and that in those military prisons there were the means of putting persons either into solitary confinement or into confinement with hard labour, and that stoppages of pay were had recourse to, do you think that, by the application of all or any of those means, the necessity for corporal punishment might be obviated?—I will divide the question. First, as to solitary confinement in prisons established expressly for the military, assuming that the Commissioners are of opinion that confinement in county gaols is, as a system of punishment, very defective,—the soldiers being, in the opinion of most officers, when they come back to their regiments, much worse than when they went into the gaol, exclusive of their services being lost for several months,—I will therefore limit my answer to the question of confining men in cells built for the military, in suitable situations, for the express purpose of establishing a system of military solitary confinement. I will next take the imprisonment with hard labour; and, thirdly, the stoppage of pay, which I consider to be perfectly distinct. With regard to solitary confinement, it would be extremely difficult to adopt any system of solitary confinement, in the varied situation in which the British soldier is placed, which could be carried on with anything like equality of justice or certainty that the punishment directed by the court could strictly be carried into execution. The severity of solitary confinement in our varied climates, in distant Colonies, must depend, as in Canada, upon the state of the weather; solitary confinement in a cell, during a Canadian winter, would be extremely severe, if not attended with hazard to a man's life. In the West Indies, confinement in a cell might, from the heat, be equally dangerous; and a man might come out from his punishment unfit to perform his service for a considerable period. The sentence awarded by the court might be a proper sentence, but the effect might, by various circumstances, be much more severe than had been intended by the sentence; I therefore conceive there would be great difficulty in applying this system, with anything like accuracy and justice, in many of the detached situations in which our troops are placed in the Colonies. At home, I think there would also be difficulties in the system; but these difficulties could be overcome, as they have been overcome at the Penitentiary. You

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must well consider the machinery for carrying the system into effect. You must either employ the comrades of the culprit to superintend, in each barrack, the infliction of it, or you must have civilians drilled and qualified to superintend this punishment at certain places, such as Chatham, or Dublin, or Cork, or any of the great stations, so as to ensure the execution of a sentence with the utmost precision and equality; it might, in that case, answer its object. Putting aside all question of expense, I am not prepared to say that such a system, limited to the British Islands, might not be practicable and effective; but I am of opinion that, abroad, it would be full of risk and difficulty; and I do not think such a punishment would answer the purpose of doing away with the necessity of corporal punishment. The same remarks, I think, will apply to hard labour; it would be more effective, but more complicated in the execution.

5640. Do you think that solitary confinement or hard labour might be applied, in most instances, as a substitute for corporal punishment at home?—I think, in many instances, it may be applied instead of corporal punishment; but any system of solitary confinement, in my view of the case, to be effective, must be of such a description that no human being is to see or converse with the culprit while undergoing his punishment. If that be strictly enforced it may have the effect of making a strong and permanent impression on that man's mind, and he may return to his regiment less likely to commit offences from the recollection of what he has suffered; but, of course, this system can apply only to certain offences committed in the British Islands.

5641. How do you conceive it would operate as an example to those who witness the reading of the sentence, as compared to the execution of the sentence of corporal punishment?—I conceive that is one of the chief defects of the proposed system, that when a man is taken out of sight the punishment is forgotten by those who have only once heard the sentence read upon parade; and that, as the object of almost all military punishments is to deter rather than to punish, it is in that respect a very inferior description of punishment to the example afforded by corporal punishment.

5642. Would it be possible to combine punishment, in military prisons, with some mark of disgrace, such as the affixing a cannon ball to the leg, or some means of that sort; and do you think that punishment would have any effect?—I think that punishment in a barrack-yard, or what was formerly called the punishment of the log, from the ridicule and the disgrace which was attached to the person who bore it, was an effectual punishment; and I think the placing men, for drunkenness, in the stocks, and making them, in that position, the laughing stock of their companions, had a good effect.

5643. Are you aware of the reasons why those punishments were prevented by orders from head-quarters?—They were sometimes improperly carried into effect. I presume the men became hardened to them, and they were found not effective. The interference in the House of Commons, in cases where commanding officers exercised their authority without the sentence of court martial, (arising out of the jealousy which naturally exists to arbitrary authority in a free country,) induced commanding officers, when they found how much a discretionary system of discipline was watched, to become more cautious, preferring a court martial to the exercise of their own judgment. There have been several instances of late years, in which, when zealous and active officers have attempted to carry this system of minor punishment, without court martial and without flogging, into effect, such as making a man stand with his face to the wall, and, if he would not stand to the wall, tying him to a gate or post, the consequence has been that the men became harassed and teased, as they called it, by this description of punishment; and I remember one instance in which the men broke out into mutiny, and fired their buttons at their officers, showing that they preferred to be punished summarily, by a flogging, rather than to be constantly harassed by those descriptions of punishments. This depôt, of four companies, consisted of two hundred and fifty men; and no less than five hundred and nine instances occurred of confinement in six months. I consider this to be, in some degree, the reason why they have been discontinued.

5644. Supposing those punishments could be inflicted only in consequence of the sentence of a court martial, do you think recourse might be had to them with effect?—You must endeavour in any punishment you inflict on a soldier, not to excite the sympathy of his comrades. If for any slight irregularity a good and brave soldier, who had frequently distinguished himself were to be disgraced, by being put into the stocks, because he happened to be drunk, and exposed to be laughed at by his comrades, it might be thought that for such a habit of dissipation off duty, he had been unjustly treated, and the effect of the punishment would be lost. In short, I consider that in all these punishments the great principle should be so to punish a soldier by the sentence, and the mode of carrying that sentence into effect, that his comrades shall feel it was a just sentence and a proper punishment. I do not think in ninety-nine cases out of a hundred, where flogging is the sentence of a court martial, that the soldiers do think that their comrade has been improperly punished.

5645. Why should they think that the soldier was improperly punished, if, instead of being flogged he was put into the stocks?—I do not know that they would think that he was improperly punished; it would depend upon the man who was so punished. If for drunkenness off duty, a brave and excellent soldier were so disgraced without court martial, it might excite a sympathy in his favour, which ought not to exist: by sentence of court martial that sympathy would probably not exist.

5646. Would not the flogging of such a soldier have that effect?—But he ought not to be flogged for such an offence; that would be a very improper mode of punishing such a man.

5647. This question presumes that this will be by sentence of court martial?—Then I presume that the commanding officer would not confirm the sentence, or inflict a punishment which was not applicable to the conduct and merits of the soldier who had been thus injudiciously sentenced by the court.

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5648. Are you of opinion that the infliction of a punishment of that description instead of flogging, would induce them to consider him more disgraced than if he was flogged?—No, on the contrary I think this system of punishment may frequently be applied with very good effect.

5649. It is not the practice so to apply it even by the sentence of a court martial?—It is not the custom so to apply it; at least it has not been of recent practice.

5650. When it was put an end to by orders from head quarters, that was putting an end to the system carried on by the commanding officers independent of courts martial?—The Horse Guards have been most anxious of late years not to restrict the responsibility and power of commanding officers, but to take care that those powers be exercised with prudence and discretion, and it is very difficult so to draw the line, that whilst you attempt to check novel or fanciful systems of punishment substituted for corporal punishment, you do not weaken the authority of the commanding officer. It has been the complaint of late years that the authority of the commanding officer has been diminished in consequence of attempting to perfect our military code by defining offences and punishments more accurately than they used to be formerly;—the discipline of the Army thirty years ago was very much carried on by regimental courts martial under one article of war, commonly called by the soldiers the "*Devil's article,*" by which "*all crimes not capital were to be tried and punished according to the nature and degree of the offence;*" more than half the offences were tried under that single article. The laudable desire to define offences and to punish minor offences by other means than corporal punishment has, in a great degree, led to the complaint that commanding officers have no longer the same authority they used to have.

5651. You are aware, of course, that the only punishments in the French Army short of death, are those very punishments of which mention has been made, confinement in fortresses, and affixing a cannon-ball, and other modes of disgracing the individual, but that they never allow any corporal punishment whatever, do you think it would be possible to introduce such a system as that in the British Islands?—I think it would be extremely hazardous. If, as in the French service, a soldier, for striking his non-commissioned officer, were sentenced to ten years' imprisonment, with an eight pounder tied to his leg, and that he was to be brought out in winter according to the French code for eight hours' work, and in summer ten hours' work a-day, and then taken back and chained in his cell, such a sentence would be revolting to the public feeling. We are not a military country, and people will not distinguish accurately between the difference of striking a non-commissioned officer and striking a civilian; such a sentence would enlist in favour of the soldier public sympathy and compassion, and it would be difficult to carry into effect so severe a punishment in England. I may add, that, when men convicted of the greatest crimes are sentenced to the hulks, and are brought on shore to work in chains, all of them better fed than the soldier who guards them, they are, even at the places where they are so worked, objects of compassion, and if that system were applied to the British soldier for the military offence of striking a corporal, I consider it would not carry with it the sanction of the public, that the punishment was a proper one; the authorities would probably be interfered with at every step by persons of influence interceding for the pardon of the culprit.

5652. You are aware that even on service the French do not make use of the lash?—I am.

5653. Are you at all aware by what means they are enabled to avoid the necessity which you consider so strong as it respects the English Army?—An answer to that question involves the consideration of the different class of men of which the French Army is composed. I conceive formerly when the French Army was raised by voluntary enlistment, and not by conscription, there was a very severe system of corporal punishment by bastinado, and by the flat of the sword, both in the garrison and in the field, and that that system was more or less practised in all the Armies of Europe; till during the late revolutionary war the system of raising Armies by conscription was adopted, and then as soon as respectable shop-keepers and yeomen, and persons of that class, were compelled to serve the state, not by their free choice as in England, but on compulsion, then it became less necessary to have a system of corporal punishment, because a large proportion of the men were not of that licentious class which formerly used to enlist into the French Army, and now enlist in the British Army, namely, the most dissipated and idle. The recruits being taken by conscription and by force are now composed of a better sort of persons; they are more obedient; they know the necessity of military discipline; they are not by nature and by habit so difficult to manage as the voluntary recruits, who enlist, disliking work; therefore they can be managed by less violent means of punishment than we require in the field; but I find, by recent French reports, that their worst conducted men are those who enlist as volunteers, or as substitutes. I am bound to add, that having served with the Prussian Army during the campaign of 1815, when I had an opportunity of witnessing what the Prussian system was, that that system in the field was very inferior to the British system, inasmuch as they had not the means we have of putting down a great deal of insubordination and irregularity. In our service this would instantly be done by corporal punishment, or rather by the fear of it, and I consider that of all the Armies which I have seen in the field, there is none which can compete for strictness of discipline with the British Army, though that Army, in the composition of its men, is infinitely inferior as to the respectability of its classes to any other Army in Europe; consequently I am irresistibly led to this conclusion, that if the effects of British discipline be such that our army, not only for the important object of destroying its enemies, but also for the object of going through all the severities of a campaign, can be maintained in a higher state of discipline than any other, we ought not to relinquish that system. It was evinced in the south of France where our Army followed the French Army through their own country, and when it was admitted by

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our enemy that the discipline, forbearance, and good conduct of the British troops to the inhabitants of the country were infinitely superior to that of the French Army towards their own countrymen. I must therefore give my professional opinion that a system which has produced such results as our system has is preferable to that of the French or the German, and that their system, with our description of recruit would, in my opinion, fail if substituted for ours.

5654. Is corporal punishment not inflicted in the field in the Prussian Army?—Corporal punishment is inflicted in the field in the Prussian Army by blows with the flat of the sword. In the Prussian Army there are two classes of men. The soldier enlists in the *first* class, and he cannot be struck, or sworn at, or abused, by his officer or non-commissioned officer; but if by the sentence of a court martial he has been previously degraded into the *second* class, then he can be struck and corporally punished, with any severity that the offence may require.

5655. Is the degraded class numerous?—That class is far from numerous, and I was so struck during the three years I remained in garrison with the Prussian Army in France, that I drew up a memorandum of my impressions of their system. My impression is, that their system, with their description of recruits, answers perfectly in garrison in time of peace; but I still maintain the superiority of our own system for an army in the field. I will, however, if the Commissioners choose, produce an extract of a memorandum which I wrote in 1826 upon that subject, and to which I adverted in some communications with Lord Hill in 1829, when I was secretary-at-war. My opinion now is that which I then expressed, when I was revising the pension regulations.

5656. Are you at all acquainted with the discipline of any of the other Armies of Europe from having served with them?—No, except of the Portuguese Army, of which I was the deputy quarter-master-general, from 1809 to 1813.

5657. In the Portuguese Army there are very severe punishments by strokes of the sword?—Having commanded five battalions of Portuguese in the Pyrennees, the result of my observation is, that the soldier, from his nature and character, is not so difficult to manage as the British soldier, and principally because he is much more sober than the British soldier; he has less personal resolution to resist authority; more submission from his previous habits as a peasant. Punishment was inflicted by a corporal seizing the culprit, and striking him with the flat of the sword upon the back. It was necessary to be done with the utmost caution, for it shook the chest so severely that sometimes consumption and lingering complaints were the consequence.

5658. It did not leave any mark?—No, it bruised the body, and frequently led to spitting of blood, and very serious complaints; and it was not calculated to have the same effect of deterring from crime that our system has, because being given with the clothes on, and the man not appearing to suffer much from it, if he had the resolution to conceal his suffering, which many firm men have, it had not the effect which our punishment has of deterring by the appearance of a more severe punishment.

5659. Are the Prussian soldiers also more sober than ours?—The Prussian soldiers are infinitely more sober than ours.

5660. So are the French?—Yes, certainly.

5661. You say you are not at all personally acquainted with the Russian and Austrian armies?—No, not more than any other individual member of this commission, who may have mixed with them during the occupation of our Army in France.

5662. Have you any notion whether, in these Armies, corporal punishment is on pretty nearly the same footing as in the Prussian Army, confined to classes, or general throughout the Army?—I believe the Bavarian and Saxon Army have classes, and with very great effect, and my opinion is, that classes might be introduced into our service with effect. Upon that subject I will, if the Commissioners please, read the extract of a memorandum on the subject to which I have already referred. It was written in 1829; I will abridge it as much as I can.

*Memorandum*, 1829.

The chief object of the memorandum now sent, is to hold out to soldiers a stronger stimulus to good conduct by increasing the means of reward, and a greater fear to commit crimes by ensuring certainty of punishment.

The plan I have suggested of granting discharges as a reward for good conduct with gratuities and modified pensions, the proposed increase of pension in addition to ordinary pensions for good and long service, the gratuity of £15 to sergeants, of £7 to corporals, and £5 to privates, one of each to be selected annually from each regiment, and the grant of a silver medal for "*long service and good conduct*," on which the soldier's name and services shall be recorded, are advantages which, when judiciously brought into operation, will have a beneficial effect on the discipline of the Army.

On the other hand, desertion henceforward is to be made to entail a positive forfeiture of pension, and the pension in every case made more dependent than it formerly was on good or bad conduct, at the same time protecting the soldier most effectually against the possible abuse of power, by recording his offences (as they are to affect his pension) only upon the approved verdicts of courts martial. The hopes of restoration are held out through the Commander-in-chief, if the man should subsequently deserve indulgence, thereby increasing the power of the commanding officer by affording him larger and safer materials for establishing clear distinctions between good and bad conduct.

There is a new mode of punishment proposed to check drunkenness to which I beg your Lordship's special attention. Habitual drunkenness I propose should be punished by giving to district courts martial the power of depriving the soldier of his beer money, his additional pay, and certain portions of his ordinary pay, for a period not exceeding two years, on the principle of punishing the drunkard by taking away the means of rendering himself unfit for duty.

The power of restoration would rest on the recommendation of the commanding officer, although the confirmation of the sentence will depend on the officer in command of the district.

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I am convinced that the power of the commanding officer by the means proposed in the annexed memorandum will be increased, as they will afford him practical means of marking a strong line of distinction between good and bad conduct.

I have received the return from the adjutant-general of the number of men who have been flogged, and are now serving in each regiment, and I shall proceed to state, that I have, since 1817, entertained an opinion of the policy of defining more distinctly the cases to which corporal punishment should be restricted.

In 1817 I was attached to the Prussian Army, and observed the working of their system of discipline in garrison for three years.

In 1826 I wrote a memorandum on the subject, of which the following is the substance:—

*Extract dated March* 16, 1826.

My conviction of the indispensable necessity of retaining the power of corporal punishment remains unshaken. I state this opinion at the outset in order to prevent misapprehension; and I am ready to admit, supposing that any of the substitutions for corporal punishment, such as confinement, hard labour, and transportation, had answered in Great Britain in peace time, it would not, in my humble opinion, overcome the difficulty of finding and applying proper practical remedies for active warfare in the field, which next to daily subordination to the civil authorities at home, is the great end and object of military discipline.

The principal substitution is pronounced to be *solitary confinement*. But this species of correction is not applicable to the field, or bivouacs, to the line of march, or on board ship, and, as yet, has failed in Great Britain; for well founded objections exist to the system of solitary cells in barracks, and still greater objections to sending soldiers to gaol or the treadmill, and as to the plan of a correctional depôt at Chatham, admitting it may be a preferable measure to the common gaols, it must be a partial measure limited to home service.

Any system not capable of being generally adopted in the field and to our peculiar service in the Colonies, would be essentially defective and dangerous; because those are the situations in which discipline is inevitably the most difficult to be maintained, and the larger portion of our army is constantly serving.

And as to the idea of two codes, one for peace, and the other for war, or one for home service, and the other for foreign service, it would be very impolitic in an army whose means of rapid augmentation on the breaking out of war, depend on the Militia volunteers, to flog by law those only who leave their country to fight its battles, for if corporal punishment were declared illegal in England, and only allowed abroad, a stigma would be affixed to inflicting it, not only very prejudicial to the service, but in reality not answering the object aimed at, namely, that of getting rid of the practice, inasmuch as two-thirds of the infantry are constantly abroad.

As to the notion of limiting the discretion vested in regimental courts martial, by a further diminution of the number of lashes. I attach no great importance to it, because it does not get over the difficulty; it only tends to satisfy those who think the number of stripes excessive; concessions of this sort leave the main objection where it was before, the objection now-a-days attaching not so much to the *quantum* of punishment which has been very properly diminished, as to the nature of the punishment itself.

The superiority of British discipline during the late war over that of other Armies, was more decidedly marked in the field before the enemy, than it had been in barracks; the former advantage is the great object in training soldiers. To give up the system by which this state of discipline has been obtained, would, in all probability produce a degeneracy fatal to that superiority, unless some other substitute be discovered and resorted to, than those I have just enumerated.

I admit the objection to relinquish the power of corporal punishment attaches in a much greater degree to field and colonial service than to home service; I may be met by the question, "How do foreign Armies preserve their discipline in similar situations in the field?" I should answer, "In a very inferior manner compared to ours," notwithstanding the advantage in the composition of foreign Armies, taken by conscription from the agricultural and other respectable classes, over the lawless materials of which a British Army is composed. If the fact of our superiority be admitted, it is a decided proof that our system must be a most efficient one, which under the disdvaantage of an inferior class of recruits produce such a result, and which ought, therefore, to justify us in an adherence to the system, or at any rate in not giving it up for dangerous experiments.

The means resorted to in our system are stated to be more cruel; I imagine the punishments in other Armies, take the French for instance, to be really more severe, without the benefit of instant example of which our system admits.

For desertion the French punishment is three years of the *boulet*, the culprit dragging an eight pound ball by a chain, working *ten* hours in summer, and *eight* in winter; when not working kept chained in his cell.

*Ten* years of the *boulet* for a second desertion; and if he deserted on duty, *two* years in addition; and if he mutinies, the *double boulet*.

If in peace time an inferior disobeys a superior, six months in prison.

If he threatens his superior without striking him, *one year* in irons, if with arms in his hand, *two* years.

If he actually strikes his superior, or mutinies, *death* or *ten years* in irons.

If he sells or pawns his arms and equipments, *two years* in irons; *five years* if he sells military stores.

Without going more into detail, it is evident that the French system, comparing the offence with the punishment, is much more severe than ours.

The Prussian system is not so severe as the French: no man however respectable, is exempt from serving in the regular Army for three years. Corporal punishment would not be tolerated under such a state of things; but I have seen their punishments of the cage, which, in addition to solitary confinement, is a species of torture, and I am convinced it would not suit our English ideas of punishment to adopt it.

Having resided in 1817 for nearly three years in garrison with the Prussian army of occupation in France, my attention was naturally drawn to a military system so different from our own; I was struck with one part of their system, that of having two classes of soldiers, in the first of which no soldier is liable to corporal punishment, unless previously degraded into the second class, when he is liable to the cane and every species of punishment.

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The soldier can only be degraded into the second class by the sentence of a court martial, approved by the general officer, and confirmed by the King. The class of crimes for which degradation can be awarded are strictly laid down, such as desertion, mutiny, striking a non-commissioned officer, gross frauds, thefts equal to felony, burglaries, &c.

The national cockade is taken from him, and he wears a grey cockade as the badge of degradation. In order that the degraded man may be excited to amendment, after one or two years according to the term in the sentence, a Court of Inquiry investigate his conduct, and, if the result be favourable, he is recommended to be restored to the first class; the King, or the War Minister, admonishes the culprit in public orders, and he is restored to the first class.

The practical effect of this system was certainly very extraordinary: during two years, in a garrison of fifteen hundred men, there were never more than three degraded men, one of whom shot himself the morning the King reviewed the regiment.

In the whole of the Prussian Army of Occupation of sixteen thousand men the numbers degraded did not exceed twenty men at one time.

The circumstances under which this remarkable system was practically carried into effect, were those of an army occupying cantonments in an enemy's country, the French and Prussians having at that time a strong hatred of each other. The troops had regular supplies of provisions, regular pay, good barracks, and regular peace duties to perform, and nothing could exceed the order and discipline of the whole corps.

Having, however, seen the same army in the field before the enemy, and particularly on the line of march, I am bound to admit the comparison is greatly in favour of the British discipline; so much so that I made frequent inquiries as to the means the Prussian officers resorted to in the field to maintain discipline. They admitted the difficulty of enforcing discipline without corporal punishment in bivouac and on the march. Their discipline in the campaign of 1815, without a military chest, was an irregular system from necessity, fit for a march upon Paris, but full of risk if they had to depend on such a system in any very protracted operations, such as our campaigns in the Peninsula. Their opinion was, that in any future war, when in all probability there would not exist the same national excitement, the discipline in the field would probably revert to a system of corporal punishment; but that the system of two classes had been found to work so well, both in peace and war, that it ought never to be given up. I repeat I prefer the British system to the Prussian, after the triumphant proofs it has given to the country of its efficiency, in being equal to all the various difficult circumstances in which British soldiers are constantly placed; but if the people of this country are dissatisfied with a system which has triumphed in every part of the world in war, and made us obedient to the civil power in peace, if we are pressed on all sides to abolish the flogging system, and are compelled to relinquish it, it is of course our duty to attempt to devise expedients by which the danger of abolition may best be met, by retaining, however, so much of the power of corporal punishment as may be indispensable for the repression of great crimes.

In the event of being compelled to abandon the present system, the Prussian system of two classes may, as an expedient, under certain modifications, be applied to the British Army.

The power of inflicting corporal punishment for certain crimes requiring instant repression should be retained; when troops are on the line of march, on board ship, in the field, and in all cases of mutiny or insubordination, whether at home or abroad, these crimes should, on direct proof of the fact, be made liable to the *instant* infliction of corporal punishment, whether the culprit be in the first or second class, by a drum-head court martial, if the case be such as requires a prompt correction. In the field the provost-marshal should retain his power of instantly punishing men on the spot, when taken in any flagrant act, either of plunder or disobedience of orders, according to the ancient custom of the Army. For all other offences, not in the field, the soldier should, previously to being flogged, be degraded to the second class, and for infamous and vicious conduct* be liable to be flogged by the same sentence of the court which has degraded him. For other offences the degradation should be the sole punishment.

H. H.

The effect of this suggestion would be to establish marked distinctions between good and bad conduct; to inflict flogging for serious crimes only; to limit not so much the number of stripes, as to restrict corporal punishment to mutiny, insubordination, felonies, and disgraceful crimes; to render flogging not, what it used to be, the *ordinary* mode of punishment, but the *extraordinary*, and by making the punishment to fall only on worthless depraved characters. A compromise is generally a failure, but this modification of the present system would afford security to the well-conducted soldier that he shall be protected against a hasty exercise of authority; that the punishment shall be proportionate to the nature of the crime; and that, if his offence can be effectually punished by other means, flogging shall not be resorted to. At any rate the caution of degrading the soldier should precede his corporal punishment in all cases of irregularity; if it succeeds in reforming him, he can earn by good conduct his restoration to the first class before he has been flogged; if he does not amend, if he is irreclaimable by milder means, flogging can be resorted to without exciting sympathy in his comrades, or enlisting the feelings of the public in favour of an incorrigible culprit.

It may be said that the example of degradation without flogging is not sufficiently brought home to deter others; I submit that a badge of degradation by a gray tuft in the cap keeps the man's punishment, and his state of peril, constantly before the eyes of the soldiers; that the loss of his beer-money, and extra pay, and even a part of his ordinary pay, his confinement to barracks, deprivation of furlough and indulgences, are more manifest by daily observation than by the punishment now in practice of confinement in gaols. The intermediate step of degradation would be a preventive measure, avoiding corporal punishment until every other corrective means had been tried.

The state of discipline in which the Army now is, and the great diminution of corporal punishment, prove that frequent and severe floggings do not produce good discipline. I purposely avoid naming regiments, but the annexed list will show that the regiments of highest reputation in the service have, for years, had the fewest punished men; and that, including men who have been serving for upwards of twenty years, the average of punished men throughout the Army does not exceed thirty-six men at one time in regiments of seven hundred, or three men and a half a company.

If, therefore, the unpunished men are twenty times more numerous than the punished, and if this be the result of a long series of years, I have every right to infer that, at the very utmost, the degraded or punishable class would not exceed three men a company, because the process of restoration to the

* "Disgraceful conduct" has been defined in the War-Office Circulars of 1829, and in the Articles of War, to be any conduct of a cruel, indecent, unnatural, felonious, or fraudulent nature.

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first class, would be in constant operation, as well as the system of *disgraceful discharges*, both tending to reduce the numbers, whereas the present average is the result of every man who has been flogged and now in the regiment: the punishable class would, therefore, at all times be kept down by the great majority of the unpunished class.

This inference I consider to be important, because any system of classes by which the minority shall be the select class must be a very difficult system to maintain, unless rank, pay, and authority, be given, as in the case of non-commissioned officers; and, in any system of punishing armed men, the degraded class should of course be a very small fraction of the whole corps.

My proposition (which is an alternative, and not a preference) has no such difficulty: the unpunished class may be made willing instruments to assist in keeping the degraded class in order, assuming them to consist of a very small minority. I expect no new virtue to be infused into the first class. I expect them to have the passions and frailties of men, and the dissipation of soldiers. Their irregularities will be punished as irregularities and *small offences* ought to be punished by repressing them by drill, confinement to barracks, loss of pay and indulgences, and all the other modes now in action, abolishing those calculated to teaze and irritate rather than to reform, and reserving flogging, the hulks, or death, where severe example is absolutely necessary.

I am aware *small offences* cannot be accurately specified, and I may be told the punishment cannot be measured where the offence is undefined.

Nevertheless courts martial measure the punishment.

If the cases for which flogging may be inflicted can be specified, such as insubordination, mutiny, gross frauds, embezzlement of stores, burglaries, plunder on the line of march, and all disgraceful crimes,—getting rid of very bad characters, by the hulks, and transportation, and disgraceful discharge,—I see no necessity for complicating the subject by specifying what the punishments ought to be for small offences. It is evident that a series of small offences may by repetition become a great offence, and it is in this particular point that the suggestion of two classes has its advantage, inasmuch as *degradation* would be inflicted as the corrective and caution, and, if that failed, corporal punishment would follow.

But every officer will admit that there are many irregularities of trifling importance, if not too frequently repeated. If a scale of military offences were to be drawn up, the first step to a practical result would be to fix what degree of military importance ought to be attached to certain offences.

The first object would be to make steady soldiers *on duty;* the next, to render soldiers well conducted *off duty*.

Now the largest proportion of offences are committed *off duty*, those offences very much depending upon the character and habit, and even nature, of the offender.

The characters of soldiers may be defined, first, as consisting of men whose names are not to be found in the defaulters' book, regular, attentive, clean, sober, and trustworthy.

The second, and a more numerous class, consists of men, active, intelligent, cheerful, reckless of danger, proud of themselves as smart soldiers, brave, and enterprising, and in hardships or perils the best soldiers in the battalion; always excusing their irregularities by pleading "*it was off duty:*" when off duty to be seen with women, being by habit or nature addicted more or less to dissipation.

The third class are men, cunning or stupid, dirty, idle, depraved, malingerers, upon whom the fear of punishment is the only stimulus to make them do their duty. This class is infinitely the least numerous.

In a profession of enterprise, in a free country, without conscription, the dissipated and the reckless must form the large mass of our military recruits; and even if discipline could change our countrymen's natures, if a selection of sober men could be enlisted, I doubt whether, in the desperate conflicts on service, the second class would not be found as efficient a class as any other; and if it be so, then their irregularities should not be punished by degradation or flogging, until every other method had been exhausted.

The broad line of distinction for military purposes appears to be to visit offences more severely when *on duty*, and to enforce that all irregularities *off duty* shall be treated and punished in a milder manner, making the gradation of offences as intelligible as possible both to the officer and to the soldier; the former not requiring too much moral perfection of the latter as regards punishment, but encouraging moral good qualities as regards the rewards of the service.

Much improvement has been obtained by a closer superintendence of interior discipline, by confidential reports, by the regular supply of necessaries, and by the present system of daily payments, preventing the former irregularities on the 24th of the month, when the balances of pay were received.

In some regiments nearly 250 desertions have taken place in a regiment during the last five years; many deserters have been tried for absence without leave, and in some of these regiments not one man has been tried for desertion, by sentence of which alone he can incur forfeiture of service and pension.

The cause of this extraordinary evasion, by which discipline and the public interests have so long suffered, is attributable to some commanding officers trying *grave offences* by regimental courts martial under a milder name, and thus bringing down to the same level *heavy crimes and small offences*, reversing and confounding the intentions of the Commander-in-chief, and the King's Articles of War.

In a separate paper I have adverted to the expediency of appointing garrison and district courts martial, to be composed, in form and numbers, as general regimental courts martial now are, and to have the same powers. The composition of the court will have a better and larger selection of officers by admitting those of other corps, cavalry and infantry, staff, artillery, and engineers. In small islands and detached stations the system will admit of facilities to punish grave offences which do not exist at present unless by general courts martial.

Another reason for this mode of trial is, that the four depôt companies, from a deficiency of officers, cannot have general regimental courts martial, and a general court martial is never resorted to except in extreme cases; commanding officers of corps are now required, by the division of the battalion into six service and four depôt companies, to be furnished in *double* numbers, the command devolving in many instances on young captains, subject to frequent changes in the command. It has the advantage of increasing the opportunities of making good commanding officers, and other most important advantages, but it limits the number of members for a regimental court martial to so small a number, that the officer who brings forward the culprit for trial may, from want of members, be required to be one of the court. In short, the materials for a good and fair court to try serious cases do not exist, although for minor offences the regimental court formed out of four companies may be sufficient.

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My suggestion is, that the penalty of flogging may be attached only to *crimes* which absolutely require it, not to offences that may be repressed without it. If the degraded and flogged man be irreclaimable, I have proposed to provide for the case by drumming him out of the regiment, and by a *disgraceful discharge*, incurring forfeiture of pension and flogging in extreme cases.

In barrack rooms the degraded men would be kept separate in charge of non-commissioned officers, selected for the purpose, as is the case in the Guards with men *billed-up*, or under punishment; and confinement in certain cases, when not employed, might be added to the sentence of degradation, at the discretion of the commanding officer.

I may be excused for introducing here a point connected with the discipline of the Army, which is the cause of many irregularities and offences, viz., *the unemployed time* which the soldier spends in a barrack. He is frequently not allowed to mend his shoes or smoke his pipe in his barrack room, on the plea of ensuring cleanliness very prejudicial to his real comfort; for want of amusement he is driven to the pot-house, or to marry:—I propose, on a future occasion, to revise a minute of mine, not acted upon at the time I was leaving the Board of Ordnance, recommending that a portion of the canteen rents, which amount to £15,000 a-year in peace, and which rent is a species of tax levied upon the soldier, should be applied to his recreation in the barrack-yard, by a fives' court, by quoits, and by gradually adopting as much of the system of amusements provided at out-stations in India, by the East India Company, as may be reasonable and practicable.

This suggestion is a continuation of the chief object I have in view in this paper, the amendment of the present system on points where our rewards appear to be below the true mark, and our punishments for small offences occasionally above it.

To return from this digression.

When I find that the average number of punished men is only three and a half per company, I have every reason to infer, if the system of *degradation* be conducted with the care and vigilance of which it is capable, that the average number will never exceed one or two a company.

Now there can be no difficulty in repressing the vice and misconduct of three men a company. This number may in some regiments be exceeded but as the return in very few instances gives seventy men, now serving in a regiment, punished during a period of upwards of twenty years, I will infer, against all probability, that in a few instances the degraded class may be six a company; but I apprehend this could scarcely ever be the case if the plan be not abused by being resorted to as an ordinary mode of punishment; if it is confined to the grave cases fit for a general regimental or district court martial, the progress of restoration and the disgraceful discharge would constantly balance any accession of numbers to the degraded class.

My proposition is a concession to parliamentary interference, and is made on the assumption that the discipline of one of the best Armies in the world is to be endangered by a feeling of well-meant humanity. In offering these suggestions I admit the change may produce inconvenience; and, if the true interests of the public service were solely to be considered, I should prefer the system which practical experience has proved to be well adapted to an Army whose duties are much more severe and difficult than those of any other Army in the world.

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In this paper I do not put forth any proposition of adopting the Prussian discipline as preferable to our own, but that I consider it only as an alternative.

5663. After having read that minute to the Commissioners, do you think it would be possible to adopt that system of two classes during peace, and to depart from it in time of actual service?—No; I see no necessity, if adopted in peace, for departing from it in war, because, as I have stated in the memorandum, there are certain offences, which, whether a man be previously degraded into the second class or not, should subject him to instant punishment,—such as mutiny, insubordination on the line of march, plunder in the field, and other offences of that kind, which, without any sentence of a court martial, the provost-marshal ought to carry into effect immediately. My suggestion is not a strict imitation of the Prussian service: I feel the necessity of protecting His Majesty's subjects in Great Britain on a line of march from the violence to which they might be subjected if soldiers were not capable of being flogged the instant they commit some serious crime; and I consider the British Army would not be as popular as it now is, in preserving the good feeling which exists between the soldier and the citizen, unless the commanding officer retained that power which he now has of protecting the citizen by instantly punishing the soldier, if, in billets or on the line of march, he ill-treats him. There are some fierce intemperate characters to whom the distant punishment of being put into a gaol (which frequently is no punishment at all) would not restrain from committing violence, unless such men had before them the fear of being instantly tried by a drum-head court martial, stripped and flogged on the spot.

5664. The system which you are inclined to think might, by possibility, be adopted, is this, that, generally speaking, no soldier should be punished corporally until he has been degraded from the first into the second class; but that even the soldiers of the first class should, at all times, be liable to that in case of certain offences committed on certain occasions?—Yes; these exceptions are absolutely necessary for the protection of the people from men with arms in their hands. I am satisfied, if we relax the discipline of the Army to the extent that some theorists wish, in a very short time the power of the commanding officer and his responsibility will be lost, and the country would not tolerate such an Army as ours would shortly become.

5665. Supposing that this country would submit to the principle of a conscription for the purpose of recruiting our Army, are you then of opinion that corporal punishment might be entirely done away with?—I consider that conscription for our Army never practically could be carried into effect: conscription in Continental Armies for the regular service is nothing more than a superior sort of militia service, inasmuch as the mass of the French as well as the German Armies never stir out of their own country; but when two-thirds of our Army are constantly employed in unwholesome climates in distant parts of the world—when soldiers are, upon an average, not quite five years at home, and ten and fifteen abroad—no considerations that I am aware of could ever justify the Legislature in raising, by conscription, an Army

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which has to perform such services as ours performs out of its own country. The principle, I take it, on which conscription is palatable to the French and German population, is that the men are generally called upon to defend their own frontier; but when you apply that system of conscription to the English Army, where two-thirds of that Army are fifteen years abroad, and the remainder only five years at home, no system of conscription would be tolerated by the country, except upon the present system of voluntary enlistment.

5666. With respect to stoppages of pay, do you think that punishment could be carried further than it is at present under the regulations of the Army?—I considered that subject when I was at the War Office very minutely, as I thought it my peculiar province to do so. I did adopt, with the sanction of the commander-in-chief, as it might affect discipline, the system of stopping the soldier's pay for what was termed "*habitual drunkenness.*" It is laid down in the Articles of War of 1829 what constitutes habitual drunkenness, and, I believe, it has answered to some extent, but not to the extent of repressing, in any great degree, the vice, which I am sorry to say is not peculiar to the British soldier, but to which a large proportion of the lower classes of our population are addicted: I thought it was just to deprive the soldier of his pay if he made such a use of the balance of his pay as to render himself, by drunkenness, unfit to perform his public service. That principle was intelligible to the soldier; he could not fail to admit its justice; but when I am asked, if I think that system can be carried further, I will say I think it would be full of risk to attempt to mulct the soldier of his pay for other offences. The British soldier is, of all men in the world, the most jealous of what he calls his *rights;* and if you were to take away from him that pay which he is entitled to, the forfeiture being a punishment for other offences, I think you would be liable to have discontents, and possibly mutinies. During the last forty or fifty years the greatest number of cases of anything approaching to mutiny have been caused by the soldier conceiving, in matters of pay and clothing, he was not fairly dealt with; I, therefore, think it would be very precarious discretion to give any such power of stoppage of pay, except in the cases of drunkenness to which I have before alluded. I recollect an instance in the Peninsula, in which, after the battle of Talavera, the Army was in a state of the greatest dissatisfaction, approaching to insubordination, if not mutiny. The men were ill fed from the necessity of their position in a poor exhausted part of the country; they could not receive their rations regularly, and they were in that state that the Duke of Wellington felt the policy of allaying it, and on the 9th of August, 1809, issued an order to this effect:

"As the troops composing the Army in Spain have not received their rations regularly since the 22d of July, it is not just that the full price of the ration should be stopped from the soldier's pay. From the 23d July, therefore, the stoppage from the soldier's pay on account of his rations is to be only 3*d.*, until the supplies are such as it will be possible to make regular deliveries of provisions. The commander of the forces will, hereafter, give notice of the periods at which the full price of the rations is to be charged to the man."

On the 27th of August this general order was also issued:

"The troops having again received their full rations, and the commander of the forces having reason to believe they will receive them regularly, the troops are to be under the usual stoppages of 6*d.* per diem for rations from the 25th instant, inclusive."

I have quoted this order because there never was an effect more instantaneous than that produced by this order, resulting from the knowledge which the Duke of Wellington possessed of the soldier's character and habits. These men, from a state of loud discontent, caused by starvation and suffering, immediately said, "We now know that it is not an attempt to deprive us of our right; when we get into quarters we shall have this additional threepence to spend; our want is a case of necessity." In short, they felt that their commander and the commissariat could not do what they would otherwise have wished to have done; and from that moment the open discontent ceased. I instance this as a proof that if you were to attempt to introduce a system of mulcting men of their pay for other offences than those of drunkenness, I think you would enlist against you the feelings of the men generally, and it would probably be a failure.

5667. The power of stopping pay is now confined to the sentence of a court martial?—Yes.

5668. Would it be possible to give a power to the commanding officer summarily to mulct confirmed drunkards of their pay?—I think not. I think the commanding officer had better exercise any other authority than that of touching the pecuniary rights of the soldier. He knows, from the severe nature of the service he performs, that the country has had a very good bargain, contrasting what he is exposed to with what the population are exposed to; and if we in authority do not perform our contract faithfully with him, he will take the very first opportunity of showing his discontent.

5669. Is there not another case to which you think the stoppages might be applied, namely, soldiers absenting themselves, and ceasing to perform their service as soldiers?—That case is already provided for by the Articles of War. By the sentence of a court martial, a stoppage from a man's pay can be made if he has been absent a certain number of days.

5670. Supposing the case of a man absenting himself for a shorter time, or, by contractin the venereal disease, rendering himself incapable of performing his duty, do you think the stoppage of pay might be applied to that?—I think it might. That case is very much met by the hospital regulations, which are so framed that when a man comes out of hospital he has little if any balance coming to him. Possibly there might be some improvement made in that respect.

5671. You have stated that you were rather inclined to suppose that a system of classing might be introduced with advantage in the Army. Have you ever considered the subject of penal companies,—that no person shall be liable to punishment during the time he remains in the regiment, but that, for certain offences, he shall be liable to be drafted from the regi-

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ment into a penal company stationed at some convenient place, and that there he should be liable to corporal punishment?—That system, or a system very similar to it, has been tried by sending men to a corps on the western coast of Africa. That system did succeed at first, from the terror that it inspired; but great inconveniences resulted to the public service when companies of these men were collected together in one place. When sentries from these corps were placed over public stores, and when it was attempted to combine punishment with the performance of the public service, the advantage to discipline was neutralized by the great risk of intrusting such men with a public charge. Good men were discontented to be sent to a station selected as a punishment for the worst men in the Army.

5672. It was not carried to that extent that no man in the regiment should be punished by corporal punishment, but that the worst characters were taken from the regiment and sent to the penal companies?—I think the hulks may serve as a depôt for bad characters, but with great caution. I recollect cases where men were sent to the hulks at Bermuda, to work on the harbour forming there. By letters which were sent to me, written by soldiers who had been transported to those naval hulks, it appeared the men described their position there, in clothing, feeding, and the care taken of them, to be preferable to their state as soldiers. These communications passing between the convicts and their former corps, the terror of the punishment was lost. I also recollect going down to Woolwich, and seeing men on board the hulks who were receiving better and larger rations than the soldiers who guarded them; but when I came to inquire into a system which struck me at first as being wrong, I found, from communications with the Home Office, that the health of persons so confined required a larger quantity of nourishment. The system of the hulks or the Penitentiary, as a military punishment, would be attended with inconvenience. I may observe here, in speaking of the Penitentiary, that, in 1827, after corporal punishment had been done away with in that establishment, Lord Bexley, the chairman, was obliged, in a report of the committee at Millbank, to recommend that corporal punishment should be revived. The words are these:—

"The committee have found by experience, that confinement in a dark cell, though in most cases a severe and efficacious punishment, operates very differently on different persons. Solitary confinement appears to lose much of its effect from repetition, it cannot always be carried far without the danger of injuring the health of the prisoner, and there are individuals, men as well as boys, on whom it is found to produce little or no effect. The committee are convinced that the framers of the statutes under which the penitentiary is now governed, acted erroneously in omitting the power of inflicting corporal punishment, when they enacted most of the other provisions of the 19th Geo. III., the Act originally passed for the introduction of the penitentiary system; and they are satisfied that the revival of this power, (a power which is possessed in every other criminal prison in this country,) would be highly advantageous in the management of this prison, provided such power were accompanied by regulations adequate to the exercise of it, and to guard against its being abused.

"Bexley, *Chairman.*

"*February* 17*th*, 1827."

Then I find, by another Parliamentary paper, called for by the late Mr. Hunt, in the year 1832, there were, in England and Wales, one thousand nine hundred and eighty-one men flogged, and persons privately flogged one hundred and one, making in that year two thousand and eighty-two persons flogged by order of the civil authorities. In the same year, the number of soldiers flogged in Great Britain and Ireland was four hundred and eighty-five. I mention these facts to show that whilst individuals in the House of Commons are so intensely anxious to abolish corporal punishment in the Army, it is inflicted by the civil law of the land to a great extent, and, when abolished, is recommended to be revived by a committee of the most benevolent persons in the country.

5673. Those companies at Sierra Leone perform military duty precisely like other troops?—Precisely; it is impossible to make any distinction. Instances have occurred of irreclaimable bad men being a serious tax to the remainder, who have not only performed the duty of the bad, but are obliged to mount guard over them. This system, therefore, is one of danger and public inconvenience.

5674. Supposing penal companies to be established that did not do any military duty, but that were employed in public works, or some such manner, do you think they might be established with effect?—I see no objection to the experiment; care, however, must be taken that the irksomeness of the duties they may have to perform shall be such that their life shall be much worse than that of the soldier with his regiment. Much of the dissatisfaction of soldiers, and their disposition to desert or to marry, is caused by the want of agreeable occupation in barracks. Amusements might be found for the soldiers, such as manly sports or active games against the gable ends of the buildings. In building a barrack, economy should not be the first consideration. Too many soldiers are crowded together in one barrack-room; the rooms should be capable of receiving only ten or twelve men instead of sixty or seventy. The Duke of Wellington introduced, when master-general of the ordnance, single iron bedsteads in place of double berths, in which men lay naked together; small rooms were also recommended, and have been since established; but the Guards, who were worse put up than any other troops in the kingdom, occupied rooms which held sixty or seventy persons. Thus the soldiers frequently live in restless misery; four or five blackguards destroy the comfort which the rest would have in quiet occupation. If the rooms were small, and limited to ten or a dozen men, and if the best men in the company selected their companions, there would be a sort of harmony and good fellowship, which would keep the men in barracks and out of the pot-house much more than they are inclined to be at present.

5675. You have spoken of the evil consequences that arise from there being a few bad men in a regiment; might not greater facility be given to the commanding officers to get rid of the men that appeared to them irreclaimable?—By the regulations of 1829, which were framed

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when I was at the War Office, the power of dismissing men for "*disgraceful conduct*" was adopted, depriving the culprit of his pension by the verdict of a court martial. About three hundred men have been thus discharged without pensions: this has had a good effect. As a Chelsea Commissioner I examined several men who came before the Board, discharged for vicious and infamous crimes, who had, under Mr. Wyndham's Act, a legal right, on discharge, to a pension. These men, for their vices, were prematurely discharged; their comrades, who were good men, were compelled to remain in their corps; and the bad had the advantage of being early pensioned for life. I put a stop to that practice; but each case requires to be viewed with the utmost care; for, if you give the commanding officer the power of getting rid of bad men, because they are bad, you will offer a premium for misconduct, and would make a great number of men bad for the purpose of gaining their discharges.

5676. Should not they always be punished first for the offence?—Even if the punishment were to be inflicted, such is frequently the desire to get out of the service, that they would take the punishment for the sake of the discharge. I ought to add that in 1829 the principle upon which I went, and which was adopted by the Commander-in-chief, was to give men their discharge for good conduct. I know an instance in which I myself applied to a commanding officer for the indulgence of purchasing a soldier's discharge. The man happened to be a very good man, and it was refused; they did not like to part with the good soldier. My regulation permitted a man who had conducted himself well to have the indulgence of his discharge, by a graduated scale according to the service performed, and he was entitled to leave the service on very advantageous terms. These regulations are to be found in the Warrant for Pensioners, in which an infantry soldier, under seven years' service, paid as before twenty pounds for his discharge, the public having had at first the expense of forming him into a good soldier. After twelve years he is to pay ten pounds, after fourteen years five pounds, after fifteen years to have his discharge for nothing, after sixteen years his discharge and a sum of money. These regulations had this good effect,—many men who previously were uneasy and anxious to obtain their discharge, when they found the indulgence within their reach, reflected that for seven years' longer service they could receive a modified pension of ten pence a-day for life, and they frequently refused, on deliberation and the advice of their officers, a boon which they had before so anxiously desired, and freely remained to complete their twenty-one years' service. I find that two hundred and fifty-one men have been allowed free discharges, and that two thousand one hundred and nine men have been allowed their discharges with gratuities, according to the 46th clause of my regulations of 1829. This benefit was combined with another regulation, by which one serjeant, one corporal, and one private from every regiment each year should, when discharged and pensioned after twenty-one years' service, have a gratuity in money with a silver medal, as already described by me. This honourable distinction is very much prized. I met with a serjeant of the Grenadier Guards at Walmer castle the other day, who, after serving twenty-three years in the First Guards, was pensioned and received the medal. The Duke of Wellington, his colonel, for his good conduct, appointed him to a situation in his establishment at Walmer castle. The medal is a passport for offices of trust. The medal to the retiring soldier, ought, for the sake of example, to be given on the parade, in the presence of the whole regiment, and be recorded in the regimental books, and read to every man. I rather believe, from some difficulties in signing the man's certificates, he does not receive the medal until after he has left the regiment. This, if so, is wrong.

5677. Are you not of opinion that some honorary distinction for good behaviour, even while the men are in the service, might be of advantage?—I think that would require very great discrimination and caution. I am in favour of that principle, for I do not form so poor an opinion of the British soldier as to suppose that he is not capable of being stimulated by distinction. In the Guards where discipline, in my opinion, is as well, if not better, conducted than in most regiments in the service, men of bad character, who entered the service were reclaimed after the first or second year, by judicious punishment and even by corporal punishment, and turned out excellent soldiers and well-disposed men. Rewards given with discrimination must have a good effect, but it will require great discrimination, and may create jealousies. Honorary distinctions by medals or badges for good conduct in peace are not so intelligible to the soldier as an honorary distinction for a great victory, for brave and gallant individual conduct in the field. The latter is palpable and evident, and is known to have been deserved. The soldier is proud of distinction for personal prowess, and he would rather die than relinquish his medal; but a medal for good conduct will be viewed in a different light. Many of the very best soldiers, who are the most brave and enterprising in the field but the most irregular in quarters, who are men for storming a breach and not very prudent or moral, might feel jealous if the sober cautious men were to monopolize these rewards.

5678. Would it not be possible to have one honorary distinction for good conduct and another for bravery in the field?—I think it might. I am in favour of rewards for good conduct, but it will require great consideration and judgment. I should prefer abstaining from offering any decided opinion regarding medals until the plan is declared. To make it valuable the mode of selection and the sort of merit obtaining the distinction must be beyond all possibility of suspicion.

5679. Supposing, instead of discharging those irreclaimable men before referred to, there were penal companies to which the commanding officer might have the power of sending those men, are you of opinion that would contribute to the discipline of the regiment?—I think it would, if when the man came back you could ensure that his description of the punishment he has undergone would be such as to deter others from risking the same punishment, otherwise when those men are sent to penal companies they are out of sight of their com-

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rades, which is one of the difficulties attending the punishments that are to be substituted for corporal punishment.

5680. Supposing the man was never to be sent back to the regiment, but was to remain during the period of his service, or sent back only if reclaimed?—If reclaimed the man had better come back to his own regiment, because the example of its effect would be satisfactory. When men maim themselves or commit crimes, as they have done in some instances to obtain their discharge, and even to become convicts, as was the case in New South Wales a few years ago, the men were ordered to remain to perform the duties of scavengers to the rest of the regiment, according to the old custom of the service, formally authorized by the Articles of War in 1829. The commanding officer lately complained that he had six or seven of these maimed men, who were a dead weight and a disgrace, but the example is so important that the Commander-in-chief has, I understand, not given way, but has directed the commanding officer to keep them as long as they live, in the sight of the regiment, as a warning to others to avoid the same fate.

5681. You think that has more effect than confining them to a penal company?—Yes: if the culprit with a log or a ball attached to him was made to perform the duties of scavenger, cleaning the privies, doing all the dirty work, and confined to the barrack yard in the eyes of his comrades, it would be an useful mode of punishment, because well calculated at all times to deter others from committing similar offences; and if penal companies were established they should be kept at the largest garrison towns, publicly exhibiting the comparative wretchedness of their condition.

5682. Has it not been the custom in the Army, at certain times, that the soldier should have the right of claiming a discharge after a certain number of years' service?—It was the custom; and Lord Palmerston allowed commanding officers, by his dispensing warrant, to discharge men after twenty-one years' service upon the pension to which they were entitled, if they had performed that service, and were by the regimental surgeon reported to be incapable of further service. This was done in a great degree to save the expense of marching the men to Chatham, which was the depôt for receiving invalids, where the men would have been kept in the general hospital, examined by the staff surgeons, and then brought to the Chelsea Board for final examination and discharge. The consequence of this was that virtually, up to 1829, the larger proportion of the men discharged were actually discharged after twenty-one years' service upon a shilling a-day. I found the discharges and the Pension List increasing to such an enormous extent I was obliged to attempt a remedy. I argued in this way: there are two Armies, the one *effective*, the other *non-effective;* the effective Army consisted of ninety-five thousand men, the non-effective Army or pensioners consisted of eighty-five thousand men: then the question was, what number of men will the effective Army discharge and pension, and throw each year upon the non-effective Army; next, what casualties will occur each year in the non-effective Army for the relief of the Pension List. This was an important question, for I found, taking the average of five years from 1823 to the end of 1827 (I came into the War Office in 1828), the average number of men pensioned was three thousand five hundred a-year, and the number of casualties on the pension list was three thousand; so that the pension list showed this extraordinary result, that in the fourteenth year of the peace, and after the large disbandment of corps had ceased, there was a non-effective Army of eighty-five thousand men, increasing each year by about five hundred pensioners. I saw nothing to prevent this increase of numbers from going on, and I felt the necessity of applying a remedy to a state of things, by which the non-effective Army in a few years threatened to exceed the effective Army. Lord Palmerston and Lord Farnborough, prior to the year 1828, had by several regulations materially improved Mr. Wyndham's Act; there were several warrants passed which I need not recapitulate here, but the effect was, as I have stated, that five hundred men were annually added to the Pension List up to the year 1828. I took several measures which I will not detain the Commissioners by detailing; but I can show that, in the second and third years, the Pension List was reduced by 2,000 men fewer pensioned; that is to say, the number of men pensioned in 1831 was less by one-half than the former numbers pensioned during the five years preceding 1828. In the regulations by which this was accomplished there was nothing to diminish the rights of the old soldier, there was nothing to injure the claim of the wounded soldier, and the regulations have been admitted, by one of the general officers now sitting at this board, not only to have worked with great effect, but to the credit and advantage of the service. I think that the warrant of 1833, subsequently issued, has done prospectively great injury to the service. The warrant of 1829 gave the soldier, after twenty-one years' service, *one shilling* a-day if discharged, and it gave that retiring provision on the combined principle of long service, good character, and disability from climate and service. The warrant of 1833 has limited the soldier's ordinary pension after twenty-one years' service to *sixpence* a-day, in lieu of *a shilling*, or tenpence if the man retired at his own request after twenty-one years; that is, *fourpence a-day less pension and four years' longer service,* as he can only claim a halfpenny a-day in addition to the sixpence for every year after twenty-one years; thus, after twenty-five years a soldier may have eightpence,—by the warrant of 1829 he would have had one shilling and twopence; the healthy soldier, of temperate habits, may have sixpence after twenty-one years' service, the unhealthy soldier one shilling. It is competent for any government to enlist men prospectively upon a pension of sixpence, or threepence, or even a penny a-day retiring pension; the amount will not materially affect the recruiting of the worst class of soldiers at first, who do not look twenty years before them when they enter the service to the prospective benefit of the pension; after the soldier has completed ten or twelve years' service he anxiously looks forward to his pension, to obtain the largest he can, and to retire to his village and his friends before he is entirely worn out. I say that the

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warrant of 1829, by which the competent provision of one shilling a-day was given after twenty-one years' service, instead of sixpence a-day, as given by the warrant of 1833, though it may have no bad effect *immediately* on the feelings of the recruits enlisted since 1833, it will have a very material effect in making him discontented with the service after he has been some time in it. The Secretary-at-War was informed by me of these objections. A still more serious evil resulting from the new warrant now exists, whilst this severity has been inflicted upon the Army by the warrant of 1833, every marine soldier in His Majesty's service who has been enlisted since 1833 has now one shilling a-day by right at the expiration of twenty-one years' service on discharge. Mr. Wyndham's Act was made to apply in 1814 to the Navy and Marines, as well as to the Army; and thus, whilst this harsh alteration of the warrant of 1829 has been applied to the Army in 1833, no alteration has taken place in the warrant of the Marines. Alterations in one service had, previous to 1833, been made in concert with the other service to avoid jealousies. Even last session Sir James Graham most judiciously introduced a bill for the better provision of seamen entering His Majesty's service by holding out rewards to them: thus, while the discipline of the Army has been, for the last four or five years, impaired by interference on the score of humanity, the prospects of reward and of provision for soldiers in their old age have been most materially diminished. This is a state of things which in my opinion requires correction. If I am asked why I never noticed these matters, I say I have at great length communicated my humble opinions to the War-office, and I should be very little desirous of having them brought before a committee of the House of Commons, because I apprehend committees would be appointed, and be guided in a great degree by the desire of maintaining that which has been the act or the sincere opinion of the Government of the day. However admirably the War-office perform their duties in all the financial concerns of the Army, in my opinion they are not the most fit persons to judge of the habits and wants and powers of the soldier. I do think that prospectively we shall have very great danger of discontent resulting from a system which limits the British soldier, who has severer duties to perform than the marine soldier, to *sixpence a-day* prospectively, while it continues to give to the marine his one shilling a-day. Another mistaken act of the War-Office has had a pernicious effect on the minds of the old soldiers, and is calculated to sour the mind of the recruit. I allude to the system that in 1831, 1832, and 1833, was carried on by the War-Office, of allowing old pensioners to commute their pensions for a sum of money, without due care and discrimination. Upwards of 2,000 men were thus allowed to commute their pensions, who had bravely and gallantly earned their pensions with their blood; those men, who every military man knows ought to be considered as mere children in money matters, however old in the service, were allowed, without due care, by the War-Office, to commute their pensions. The effect of this was most detrimental. The War-Office ought to be the guardian and protector of the rights of old soldiers, instead of making, as on that occasion, cheap bargains at the expense of the old pensioners. It was a good bargain to the state, but, in my opinion, a most injurious one to the service. I have stated this more strongly in the House of Commons in 1831; I restated it in 1832, but without effect, inasmuch as the Government or War-Office persevered in their measure. In 1833, I think, Mr. Ellice or Sir John Hobhouse, then Secretary-at-War, found that the system could not be justified, and he very properly put an end to it. The Commissioners will perceive how injurious it must be, not only on the score of humanity, but in military policy, that these old men, many of them sixty and seventy years of age, should be allowed to sell their pensions on the idea of going abroad and becoming settlers in the wilds of Canada. This was permitted because it was cheap, but the Commissioners will perceive how detrimental such a system was to the public service. Many of those men did not go out; they therefore forfeited their pension for a small sum of money consumed in a pot-house or on board ship; and now, instead of being settled comfortably in their villages for life, an example of honourable competency, they have no provision left unless in cases in which the Secretary-at-War may in merciful consideration of their case have granted one. I cannot specify a measure more calculated to discredit the military service. I have no return with me to show what has been the effect of this system in Canada; but I believe great numbers of these old men have either died or been wanderers in America, with the exception of the younger portion who may have successfully settled in that country. This question was discussed by me at great length in the House of Commons on the 2d April, 1832; and I refer the Commissioners for any further information to that debate. My opinion of the principle on which pensions should be granted, when I was Secretary-at-War, was, you should take *service* and *character* as the principal ingredients, and not *disability*;—disability on account of disease is not merit. A man, if he has a good constitution, and is sober and well conducted, will, after twenty-one years' service, be a hale stout man, though not very active or able to march with a heavy weight; and the consequence of that good health is that you will not give him his discharge, because he has no evident disability on which to claim it; but if he can show disability from a weak constitution or otherwise, according to what may be the working of the warrant of 1833, he will in many cases obtain his discharge,—granting it for disability, and refusing it for service, and the risk of malingering will be revived. This question has been gone into at great length between the Secretary-at-War and me in 1832 and 1833. I retain my opinion that the warrant of 1829 was much better calculated to advance the interest of the Army and the state. It is a contested opinion, and I may be wrong; but my opinion is confirmed by the highest opinion, that of the Duke of Wellington, that a small pension of sixpence or eightpence a day is of no avail,—that it cannot enable the pensioner to live on it with comfort,—that it is a parsimonious description of poor rate; whereas, if you give the soldier that which he has had for thirty years, a shilling a-day, or one shilling and twopence for length of service, and good conduct, he can, with frugality, maintain himself respectably.

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Pensions ought to be given as rarely as possible; but when given, they ought to be sufficient for the purpose for which they were intended. It certainly would be a great inducement to soldiers to enlist and serve cheerfully; and therefore I prefer the principle of the warrant of 1829, which greatly diminished the number of pensions, but preserved the shilling a-day after twenty-one years' service.

5683. Is there not some difficulty with respect to the question of good conduct in giving the pension? Is there not a possibility of persons who have not well conducted themselves obtaining it?—There is; but an improved system of the defaulters' book has been so much attended to that the possibility of fraud has been much diminished by the regulations adopted in the War-office in 1829, and particularly the circular from the adjutant-general's office in 1830, issued by Sir Herbert Taylor. If those defaulters' books are properly kept, it will be easy for the commanding officer to produce at the end of twenty-one years all the essential requisites of the man's conduct, which ought to regulate the granting of the pension. It would never do to recite all the minor irregularities of the first ten years, and to deprive him of the value of subsequent good conduct during the remainder of his time; but I maintain that the pension regulations of 1829 were so framed as to stimulate the soldier to good conduct; and the pension regulations of 1833, in my opinion, are likely to have a contrary effect, and are even now injurious to the recruiting. When the recruit enlisted since 1833 has performed five or ten years' service, and looks forward to his pension, the scanty insufficient amount, and the longer service required to earn it, will have a very injurious effect on the man. He will draw comparisons—he will be desirous of getting out of the Army, or very much discontented if he remains in it.

5684. Are you of opinion that the facility of obtaining a better description of recruits would be greater if a certain number of commissions in the Army were regularly and constantly distributed among persons from the ranks?—It might have that effect. Our service is in that respect very different from foreign services, where a soldier enlisted by conscription is frequently a gentleman, and compelled to serve in the ranks. That the soldier in the French service, selected by the military authorities to take a commission is generally a most respectable conscript, who has served for a certain time, or he may be a conscript of lower grade in society, who has performed some very gallant action before the enemy, I rather believe. If the Commissioners choose to obtain more accurate information than I am able to give them upon that subject, they will find from the returns in the Horse Guards a very large proportion of non-commissioned officers have been promoted to be officers in our service, both during war and peace. There are promotions in every regiment in the service fully equal to dispel the notion that there is any exception or prohibition against officers being promoted from the ranks; but not sufficient to establish anything like a system.

5685. Are you of opinion that the establishing a system, such as exists in the French Army, that a certain number of commissions should be reserved for the non-commissioned officers in each regiment, would have the effect of inducing a better class of persons to enter the Army?—I do not think it would affect the recruiting for the Army. I think it might affect the conduct of men while in the Army, by raising their hopes that they might obtain commissions; but it has been frequently remarked that individuals who obtain commissions, although they may be very fit for certain regimental duties, do not make good officers, and are far from being popular with the men.

5686. Is there any considerable difficulty upon the part of those persons to live upon the same footing as the other officers in point of expense?—Yes, they cannot always live upon the same scale of expense, although I consider that might be altered by stricter regulations. During the last twenty years the style of messing in the Army, on which so much of the discipline of the British Army depends, has in some regiments degenerated into too luxurious a habit, likely to force respectable young men of good connexions out of the service, from their inability to afford the expense of living at the mess. I consider that subject requires the strictest superintendence of the Commander-in-chief. The general officer, who makes the inspection of the regiment, is instructed to interfere, and to call for the books of the mess committee, so as to enforce that the ordinary expenditure should not exceed that which will enable a subaltern to live on his pay.

5687. Upon the whole, would you recommend that a greater proportion of commissions should be given to persons from the ranks?—No, I would not; I think they should be confined, as they hitherto have been, to promotion for distinguished services abroad, or to the case of excellent serjeant-majors, who, from their knowledge of drill, are likely to make good adjutants. The same applies to quarter-master serjeants, who generally rise to the rank of quarter-master, and eventually to other ranks according to their merits; but as a system I do not think it would be expedient.

[*The witness withdrew.*]

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*Friday, 12th February,* 1836.

The Right Hon. Lord WHARNCLIFFE in the Chair.

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General Lord *Hill,* Commanding in Chief, was examined as follows:

*Gen. Lord Hill.*

5688. What period of your lordship's service was passed as a regimental officer?—I entered the Army in 1790 as a regimental officer, and served in that capacity through the different grades. I commanded the 90th regiment in the Egyptian campaign in 1801, and was, after the return of the troops from that service, appointed in the following year to the staff in Ireland, as a brigadier general.

5689. Was the 90th regiment the only regiment you commanded?—Yes.

5690. How long was your lordship in the command of that regiment?—I was in the command of the 90th from about 1796 to 1802, with some interruptions.

5691. In the early part of your service the frequency of corporal punishment was much greater than it is now?—Certainly.

5692. Can your lordship inform the Commissioners at what period there began to be a feeling against that frequency of corporal punishment, and a reduction of it in the Army?—It appears to have attracted the notice of the commander-in-chief some time about the year 1811 or 1812.

5693. Were there at that time any orders given out from head-quarters recommending greater caution in passing sentence of corporal punishment?—Yes, the confidential circular letter, of which I beg to hand in a copy, was issued by order of His Royal Highness the Duke of York, then commander-in-chief.

[*The following is a copy of the circular referred to*:]

(*Confidential Circular.*)

(Copy.)

SIR, *Horse Guards, 25th March*, 1812.

The Commander-in-chief judges it expedient to transmit to you with the enclosed documents, a few observations on the salutary effects, with which it is reasonable to hope that an occasional recurrence to the powers with which you are thereby vested will be attended, amongst which the most obvious advantage is that of limiting the operation of regimental courts martial strictly to the purposes for which they are designed by the legislature, viz., for inquiring into such disputes and criminal matters as may come before them, and for inflicting corporal or other punishments for small offences; and in order to prevent the possibility of any misunderstanding on this important point, it is his Royal Highness's command, that, on no pretence whatever, shall the award of a regimental court martial hereafter exceed *three hundred* lashes.

The Commander-in-chief has commanded me to take this opportunity of stating, that there is no point on which his Royal Highness is more decided in his opinion, than that when officers are earnest and zealous in the discharge of their duty, and competent to their respective stations, a frequent recurrence to punishment will not be necessary.

The Commander-in-chief is confident the officers of the Army are universally actuated by a spirit of justice, and impressed with those sentiments of kindness and regard towards their men, which they on so many occasions have proved themselves to deserve; but his Royal Highness has reason to apprehend, that, in many instances, sufficient attention has not been paid to the *prevention of crime.* The timely interference of the officer, his personal intercourse and acquaintance with his men, (which are sure to be repaid by the soldier's confidence and attachment,) and above all, his personal example, are the only efficacious means of preventing military offences; and the Commander-in-chief has no hesitation in declaring, that the maintenance of strict discipline, without severity of punishment, and the support and encouragement of an ardent and military spirit in a corps, without licentiousness, are the criterions by which his Royal Highness will be very much guided in forming his opinion of the talents, abilities, and merit of the officers to whom the command of the different regiments and corps of the Army are confided.

I have, &c.,

HARRY CALVERT, Adjutant General.

5694. At the period referred to, previous to 1801, was the composition of the Army, with respect to the class of men who composed it, different from what it is now?—I should think not.

5695. Did your lordship find at that time more necessity for corporal punishment, where liquor was more easily obtained than in other places?—Certainly.

5696. Is that the case now also?—Yes, I should say it was.

5697. Is it your opinion that the greater part of military offences arise from the disposition to drunkenness on the part of the English soldier?—I think so certainly.

5698. Therefore, that it is highly necessary to endeavour to check the practice of drunkenness as much as possible?—Clearly.

5699. When your lordship came to the Horse Guards as commander-in-chief, had there been any restrictions, either as to the number of lashes, or in respect of the description of court martial to which an offender was to be brought, such as there are now?—Yes.

5700. Can you state what those restrictions were?—They applied only to regimental courts martial.

5701. Was there any restriction at that time with regard to the number of lashes to be awarded by a regimental court martial?—Yes, there was.

5702. Can you state what that restriction was?—Yes; the award of a regimental court martial was restricted to three hundred lashes.

5703. Was there any restriction as to the species of crime to be tried by a regimental court martial, as distinguished from those to be tried by a district or garrison court martial?—Yes, there was; capital offences were to be tried by one species of court martial, and others by a regimental court martial.

5704. Was there a distinction between regimental and garrison or district courts martial?—Yes, there was.

5705. After your lordship came to the Horse Guards, what orders have been issued with regard to courts martial, both as to the amount of punishment, and the description of punishment to be awarded to each?—I recollect in 1830 I found it necessary to give out detailed instructions upon the subject of punishment, which I have brought with me; they are dated the 24th June 1830.

[*His Lordship delivered in the same, which were read as follows*:]

*Gen. Lord Hill.*

(*Confidential Circular.*)

SIR, *Horse Guards, 24th June*, 1830.

I have received the directions of the general commanding in chief to convey to you the following instructions, to be observed as a standing order, framed and issued for the purpose of introducing and establishing greater uniformity of system in the Army with respect to the points to which it relates.

1. No soldier should unnecessarily be brought to a court martial, and the commanding officer of a regiment should be guided in his decision upon this point by the character of the individual, his conduct, the nature and degree of the offence, its prevalence at the time in the regiment, and the probability of conviction.

2. Just discrimination should be used by the court in applying the quantum of punishment, whether corporal or other, to the nature and degree of the crime, so that its award may be *final* and *carried into effect;* it being indisputable that crimes are more effectually prevented by the certainty than the severity of punishment, and that decision in the superior, will, at all times, ensure subordination in the inferior.

3. The nature and extent of punishment, particularly of solitary confinement and hard labour, must of course vary according to *locality*, and particularly according to *climate*, as extremes of heat and cold equally prescribe caution.

4. The court, before passing sentence of solitary confinement or hard labour, or indeed any other, should ascertain positively that the sentence can be duly executed.

5. Men sentenced to *hard labour* by regimental courts martial, must be closely confined when not at work; and the hard labour should, where it may be practicable, consist in breaking of stones for the repair of roads or paths, or the repair and levelling of barrack yards and parade grounds, or any other under the barrack department, or the engineer department, not being usually allotted to soldiers as duties of fatigue, or imposed upon ordinary defaulters not so punished by courts martial. The ordnance department has been requested to afford the necessary facilities towards carrying into effect a mode of punishment of which the chief object is to obviate, as far as may be possible, the necessity of sending soldiers to public gaols, which all officers concur in considering objectionable, and which it would be very desirable to reserve, if practicable, for crimes of a *disgraceful* nature. Upon the occasions of hard labour in garrisons, or barracks, the commanding officers of corps will exercise their discretion with respect to allotting a portion of the period to hard labour, and the remainder to drill, thereby keeping up the habits of soldiers, and imposing upon the prisoner the necessity of cleaning his appointments when drilled.

6. *District courts martial* should observe the rules laid down for regimental courts, with respect to *solitary* confinement, and confinement with *hard labour*, the periods being, however, unlimited, or rather more extended according to the nature and degree of the crime. But it is very desirable that these punishments should not be so extended as they have been: six weeks' solitary confinement should be considered sufficient in almost any case, and three, or at most four months' confinement *with hard labour* equally so. During all hard labour in barracks, or elsewhere, the men should, while at work, be kept separate as much as possible, to prevent conversation, and all communication with them not absolutely necessary should be strictly forbidden.

7. Submission, quiet and orderly conduct, and proof of contrition, while undergoing punishment should, unless the crime had been of a very aggravated character, be favourably considered, and obtain for the prisoner a partial remission of the punishment, at the discretion of the commanding officer. In the case of district courts martial, the commanding officer may, if he should see reason, recommend a partial remission of the punishment, but he cannot order it himself, the sentence having been approved by a superior power.

8. The pay of all men under sentence of court martial should be drawn according to the regulation of the War Office, namely, sixpence a-day, and applied to the sustenance of the prisoner.

9. Instances having occurred in which commanding officers of regiments have applied to the general officer commanding the brigade, district, or garrison, for authority to try deserters by *regimental* courts martial, and have been authorized so to proceed, they are hereby informed that it was not intended to include the crime of desertion in the description of "offences which in certain cases may admit of less serious notice," and "which it may be advisable to try by regimental court martial."

Lord Hill does not consider it necessary or advisable to restrict the power or discretion of the commanding officer, by precise or detailed instruction or regulation, with regard to the nature and punishment of such offences and irregularities as it may not be necessary to bring to the cognizance of courts martial; but, in order to promote that uniformity of system which is the main object of this instruction, it is deemed expedient to lay down the following general rules to be applied by commanding officers at their discretion, according to the nature and degree of the offence, and with due regard to the character and previous conduct of the individual, which should always be borne in mind; to be applied also according to circumstances, such as the general conduct of the regiment intrusted to them, the description of the quarters it may be occupying, the more or less temptation to which the men may be exposed, and other general considerations which must guide the judgment and good sense of the commanding officer in his choice of the period when the reins of discipline should be tightened, or may with propriety and safety be relaxed.

1. In all first offences not of an aggravated character, or committed by young inexperienced soldiers, mild reproof and admonition should be tried; nor should punishment be resorted to until a repetition of the offence shall have shown that the milder treatment has produced no effect. Soldiers should not be harassed, but should be treated with kindness: they should know that it is wished to avoid punishment if discipline can be maintained without it.

2. No punishment should be awarded except with the knowledge and approval of the commanding officer, that is to say, officers commanding regiments, may, at their option, delegate to officers commanding troops or companies, and to the adjutant, the power of ordering punishments for minor offences, not exceeding three days' drill with confinement to barracks. These should be ordered at morning or evening parades, *and on the parade*, and immediately after parade reported to the commanding officer at the orderly room for his approval or otherwise; or in cases where such immediate report cannot be made, at latest on the following day. For all offences requiring more serious notice, the punishment should be ordered by the commanding officer only, upon the report made to him, through the officer commanding the troop or company, or the adjutant. The commanding officer should immediately investigate the complaint, in the presence of the officer commanding the troop or

company, the adjutant, serjeant major, and the non-commissioned officer of the squad; in the presence also of the prisoner; and having satisfied himself, from the evidence adduced, of the nature and degree of the offence, should award at once such punishment as he shall think fit, or reserve the case for a court martial; and upon these, and all occasions, the commanding officer should write his own orders, and not confide that duty to others. *Gen. Lord Hill.*

3. Officers on detachment should be strictly enjoined not to introduce or adopt any system or practice of punishment for minor offences which may be in any respect at variance with those established at head quarters under the sanction of the commanding officer.

4. All men confined for drunkenness should, if possible, be confined by themselves, and in the black hole, until sober, and not in the guard room, where they are often teased and provoked to acts of violence and insubordination.

5. Nothing can be more essential than to uphold the station and respectability of the non-commissioned officer. *Serjeants* should, therefore, in no case be sent to the guard room and mixed with the privates during confinement, but be considered as placed under arrest.

6. Officers should be cautious of reproving non-commissioned officers for any irregularity, neglect of duty, or awkwardness, &c., in the presence or hearing of the privates, lest they should thereby weaken their authority and respectability in the eyes of their inferiors: indeed, admonition conveyed in mild terms, and without exposure of the individual, whatever may be his rank, will in general be found to have a much better effect than that which tends to humiliate him in the eyes of his inferiors or his comrades, or to lower him in his own estimation, unless, indeed, it should be necessary for the benefit of example that the reproof should be public, or that it shall have been provoked by repetition of the neglect or irregularity.

7. If a soldier refuses to obey an order distinctly given, or resists the authority of a non-commissioned officer, he should be confined, *without altercation*, and immediately reported to the troop or company officer, or the adjutant. Many cases of what is called mutinous conduct, arise from the improper way in which non-commissioned officers speak, or give orders to the men.

8. Irregularities comparatively trifling, and of a minor character, although noticed in the troop or company defaulters' books, should not cause the offenders to be placed on the general or regimental defaulter list. With the same view of promoting uniformity of system and practice, the form of a defaulters' book is annexed, which Lord Hill desires may be adopted.

The defaulters' book being a record of convictions, and having been made *evidence* before a court martial in cases of drunkenness, (see Article 51 of the Articles of War,) the rate of pension which a soldier is to receive on discharge being determined in great measure by his character and general conduct during his service, and certain offences, after being repeatedly committed, being, under the Articles of War, to be visited by increased penalties, it is absolutely necessary that this record should be framed on one uniform principle; nor, indeed, can real justice be awarded to the soldier, unless it be kept on a recognized and intelligible system, and periodically examined by officers. The prescribed form is simple, and its utility with reference to the objects pointed out, will (as in all cases) depend upon the accuracy with which it may be kept, and the correctness with which the remarks are inserted in the columns allotted to them.

Lord Hill considers it very desirable that the transfer of a soldier's name from the troop or company's to the regimental defaulters' book, should be viewed by him as a disgrace of an aggravated character, and as entailing the more permanent record of the offence, which from its nature and degree has called, or from the repetition thereof may call, for such notice. Oblivion of former irregularities, if they shall not have amounted to anything disgraceful, ought to be held out as the reward of real reformation. But it is essentially necessary that those crimes which permanently affect a man's character, and are disgraceful to the soldier, should be stigmatized as they deserve, because a high sense of character is inseparably connected with that honourable spirit which is the main spring of good conduct, and the source of the reputation of regiments.

In order to establish the distinction, and to draw the line pointed out in these observations, an alphabetical list should be made at the end of every year, of such men as shall be considered to have so disgraced themselves, by the nature and degree of their crimes, or the repetition thereof, as to have justly incurred the penalty of such special record; and this list should refer to the page of the defaulters' book, containing the detail of the individual's case, and after being carefully extracted, should be recorded, as pointed out in the annexed form.

In cases of drunkenness the name of the non-commissioned officer who was witness to the offence, should be entered with the date, (the men having, of course, been seen when so reported, by the officer in command of the troop or company, or the adjutant,) and the crime should be inserted in *red ink*, in order that the list may be readily referred to on trial for "habitual drunkenness," and a separate index to the drunken list should be made. It is conceived that the best plan will be to enter the names by troops or companies in the general defaulters' book, as prescribed in the form. Thus all the serious offences of one troop or company during the year will appear together in the *regimental book*. To find a particular man's name there will be the general index *for the year*, alphabetically arranged. There will thus be the double means of finding the entry, by the company, and by the index of names, with the additional advantage of a comparative view of the good or bad conduct of the different companies.

As a part of the same system, another list should be kept to record the names of those men who from particular good and regular conduct may be remarked as having in the course of the year few or no reports against them. This will distinguish the best men from those, who, though not guilty of crimes to be specially recorded, may, nevertheless, have been frequently reported for minor irregularities or inattention.

The introduction of an uniform form of defaulters' book must afford greater facilities towards ascertaining the extent of crime, and the judicious use of preventive means; and his lordship desires that at the periodical inspections the guard reports and morning states may be produced, to enable the inspecting general officer to compare them with the entries in the defaulters' book. These guard reports and morning states, may, *after such comparative inspection*, be destroyed by his authority.

I have the honour to enclose three copies of the form of defaulters' book: one for your use and guidance, another for the adjutant, and a third for the orderly room.

Commanding officers must recollect that they are not authorized to place a soldier in close confinement, unless it be preparatory to a court martial, for a longer period than forty-eight hours of their own authority. A soldier ordered to remain in a defaulter's room will take his duty, drills, &c., and

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the period of such order must not exceed seven days. Crimes deserving of longer punishment of this nature must be referred to a court martial.

This, of course, does not apply to confinement to barracks, which may be extended, at the discretion of the commanding officer, to periods not exceeding two months, the necessary measures being of course taken to prevent the soldier so restricted from passing the sentries, or having access to the canteen; and wine and spirits being, at the discretion of the commanding officer, stopped on stations where such are issued. The commanding officer will equally exercise his discretion as to the nature of the confinement to barracks, according to the degree of the offence, namely, whether the individual shall or shall not be required to fall in with the inlying picquet, attend all drills and all parades, and be called upon for all duties of fatigue. Solitary confinement, or confinement to the black hole, which in no case can exceed forty-eight hours, unless awarded by sentence of court martial, should, as much as possible, be reserved for cases of drunkenness, riot, violence, or insolence to superiors, and in aggravated cases should precede the further punishment of confinement to barracks, extra drills, and duties of fatigue or drudgery, &c.

A list of men who had been placed on the regimental defaulter list for drunkenness should be suspended in the guard room, as a warning against the repetition of the offence, entailing trial for habitual drunkenness, and the penalty attached to a conviction thereof. When a part of the forfeiture of pay for habitual drunkenness is remitted, (*vide the Secretary at War's circular of the 24th March*, 1830,) the commanding officer should notify it in regimental orders, as an encouragement to the soldier to abstain from excessive drinking. As connected with the prevention of drunkenness, the lodgings of married soldiers, which are resorted to by men for the purpose of gaming, drinking, and other irregularities, should be visited at *uncertain* hours by colour serjeants of companies, and even by officers.

The penalties inflicted by the new Articles of War for *habitual drunkenness*, are generally admitted to be the best check which has yet been devised for that offence, but much may be effected in aid of it by the manner in which commanding officers shall take advantage of them.

Lord Hill is satisfied that a vice, unfortunately so prevalent in the British Army, may be *prevented* and checked by due attention on the part of the commanding officer, and by the zealous and cordial co-operation and *example* of those subordinate to him; and his lordship expects that commanding officers will exercise their authority over the officer in this respect, as well as over the soldier, and that they will not suffer a vice to pass unnoticed in the officer which is so seriously to be reprehended and punished in the soldier.

It appears to be the rule in some corps, and it is stated to have been successfully applied, to hold troops, companies, and squads generally responsible for the regular conduct of the individuals, taking care that the consequence of this responsibility shall not involve the punishment of individuals whose conduct shall have been uniformly regular and good. In others, a troop, company, or squad police has been introduced under the responsibility of steady serjeants.

These are expedients of which the application must be left to the discretion of commanding officers, as must also the proper use of such facilities as local contingencies may afford, for encouraging manly games and exercises, provided these shall not tend to excess in drinking.

All that has been stated will show the extreme importance Lord Hill attaches to the *prevention* of crime, and greater detail is not entered into, as it is not the object to limit or interfere with the discretion of commanding officers, but merely to obtain the application of it on general principles.

It is, however, indispensable to observe that the reports received from different regiments of their scales of punishment, or the system observed in the notice and punishment of offences not generally brought to the cognizance of courts martial, have exposed the continuance of various objectionable practices, many of which had been animadverted upon and reprobated on former occasions, by his late Royal Highness the Duke of York and by his Grace the Duke of Wellington. The *log*, for instance, is a punishment inflicted at the discretion of the commanding officer which cannot be sanctioned, and is henceforth strictly forbidden. *Drill in heavy marching order* appears to be inflicted for periods varying from two to eight hours per diem, and from three to twenty-one days or more; this immoderate punishment was strongly censured by the Duke of Wellington, and should in no case exceed three, or at most four hours per diem, and be inflicted at proper intervals. This, however, applies to it as a punishment, independently of the usual parades and drills in marching order, which are desirable, as is exercise in general with knapsacks, which should become part of a soldier on duty or parade the moment that he is dismissed the drill.

*Standing under arms* is altogether forbidden. It appears to be the practice in some regiments to confine a man in the black hole for forty-eight hours, and after an interval of twenty-four hours to repeat the confinement for forty-eight hours and so on; nay, in some regiments men are confined in the black hole at the discretion of the commanding officer for periods not only exceeding forty-eight hours, but amounting to seven days.

These practices are in the greatest degree reprehensible, and are strictly forbidden.

In some corps commanding officers have taken upon themselves to *commute* a corporal punishment sentenced by a regimental court martial, to confinement, and possibly *vice versâ*. They must clearly understand that the power of commuting is vested in *the King only*. They may confirm, remit, or mitigate, but they cannot commute the punishment awarded by a regimental court martial, nor, indeed, can any general or superior officer. Others again have been in the practice of allowing to an offender *the option* of such punishment as they could inflict at their own discretion, or of standing a court martial. This also is irregular.

The commanding officer not having any intention of bringing the offender to a court martial, should order such reasonable punishment as it is within his competence to award, and with regard to this, it would be inconsistent with subordination that he should admit of the *right* of option or appeal, although he may if he think proper vindicate the justice of his first order, by resorting to the alternative of a court martial.

It has also been the practice in some corps to allow a serjeant to escape trial by court martial by resigning his situation. This practice is extremely objectionable, has never been sanctioned by any competent authority, and must be discontinued.

In conclusion, the attention of commanding officers is called to the importance of inculcating upon the soldier, by every means in their power, and by the *example* and precept of his superiors, the propriety of civility and courtesy in his intercourse with all ranks and classes, and in his demeanour in quarters, in the streets, &c. This applies especially to the conduct of soldiers on Sundays, when drunkenness, irregularity, and disorder should be particularly noticed and checked. They should also

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be admonished to pay the greatest deference and respect to magistracy and to civil authority, nor should, upon these occasions, the stations in life of the individuals be considered, the character represented, and the authority with which that character is invested, being the proper subjects of attention.

Nothing will tend more effectually to the establishment of discipline and subordination, and even to the absence of irregularity producing exposure, than habits of general courtesy, and a conviction constantly operating upon the mind of the soldier, that in proportion as he is marked by his dress and his bearing, so will any disorderly or rude act committed out of barracks become the subject of particular notice.

It may be almost unnecessary to add, that there are no occasions in which the good or bad discipline of regiments becomes more conspicuous than upon marches and embarkations, nor any in which the attention and vigilance of every officer towards preventing irregularities are more called for.

The admirable rules laid down for the troops serving in the Peninsula, and particularly for the light brigade, may be considered by officers as applicable in many respects to home service; and many must be sensible from experience, of the importance of preserving the compact order of a column of march, by not allowing irregular intervals and straggling, nor falling out, except during *periodical* halts, which should be frequent, and if possible be made beyond the reach of public-houses.

Lord Hill orders me to repeat upon this occasion, what has been urged heretofore by the late Duke of York and by the Duke of Wellington, that the criterion by which the state of discipline of a regiment, and the merit of its commanding officer will be estimated, is the absence of crime, not the number of courts martial and the amount of punishment. This cannot be too strongly impressed upon the minds of those who are placed in the command of regiments, and they may rest assured that no pains will be spared by the superintending authorities to ascertain that such are the rule and principle which guide their conduct.

I have, &c.

HERBERT TAYLOR, Adjutant-general.

5706. Does the Army remain under the system detailed in that paper at present, or has there been any alteration since?—Yes, in 1830 the award of a district court martial was limited to five hundred lashes, and in 1832 that award was further limited to three hundred, and the award of a regimental court martial to two hundred lashes; and in August, 1833, corporal punishment was limited to certain offences stated in the circular, of which I beg to deliver in a copy.

[*His Lordship delivered in the same.*]

*Circular Confidential.*

SIR, *Horse Guards, 24th August*, 1833.

His Majesty's Government having signified to the general commanding in chief, the King's command that, until further orders, corporal punishment may be applied to the following offences only: I have the honour to express Lord Hill's desire that you guide yourself accordingly, taking care that, except in the instances herein specified, the said punishment shall on no account be inflicted, viz.—

1st. For mutiny, insubordination, and violence, or using or offering violence to superior officers.

2d. Drunkenness on duty.

3d. Sale of or making away with arms, ammunition, accoutrements, or necessaries, stealing from comrades, or other disgraceful conduct.

It will doubtless occur to you that the object of these instructions is not to render the infliction of corporal punishment for the future more frequent or more certain than it is at present, even in the cases to which it is now to be restricted, but, on the contrary, that the intention is to restrain it as much as it may be possible to do so with safety to the discipline of the Army.

I have, &c.

*Officer Commanding.* JOHN MACDONALD, Adjutant-general.

5707. Had the punishments of solitary confinement and hard labour been introduced before the issuing of the letter of June, 1830?—Yes, they must have been.

5708. Taking those punishments separately, what effect, in your Lordship's opinion, has the punishment of solitary confinement had in maintaining the discipline of the Army?—I do not think it has answered the purpose.

5709. With respect to that of confinement with hard labour, is your opinion the same?—I think that is the severest punishment of that description, and that it has more effect than any other of the kind.

5710. Is your Lordship of opinion that the punishment of confinement with hard labour has been effectual in repressing crime?—No, I think not.

5711. Are you of opinion that, notwithstanding the use of those two punishments, it is still necessary to maintain the power of inflicting corporal punishment?—Certainly, I am decidedly of that opinion.

5712. Will your Lordship have the goodness to state what, in your opinion, is the superior advantage of the punishment by the lash to those punishments of solitary confinement and confinement with hard labour?—I think one great advantage consists in being able to make an immediate example, by which others are deterred from crime.

5713. Are the Commissioners to understand that, in your opinion, the infliction of the punishment immediately following upon the offence, and in front of the regiment, has more effect as an example than the sending the man to gaol after reading his sentence in front of the regiment?—I am quite certain that that immediate example has a much better effect than sending the man to gaol, and punishing him afterwards by confinement.

5714. With regard to troops on service and before the enemy, is it your opinion that any system could be introduced which would supersede the necessity of corporal punishment?—I am not aware of any; I think there could not.

5715. Supposing solitary confinement, or imprisonment with hard labour, to supersede the use of the lash in the British Islands, could that system be put into execution when an Army was serving in the field?—No; it would be impossible.

5716. Does your Lordship mean to say impossible from the want of convenience?—Yes;

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there would be no means whatever, on service, to confine men to hard labour or to solitary confinement in any way.

5717. From your experience could you suggest any means of making those punishments effectual when the Army is in the field?—No, I could not. There are no means, that I am aware of, where those punishments could be carried on in the field.

5718. Of course, in the field, the necessity of immediate example is much more required than in garrisons or in common quarters?—Certainly it is so.

5719. With respect to these Islands, is the punishment of soldiers by solitary confinement or imprisonment with hard labour satisfactorily inflicted in the common gaols of this country?—I should say not; for, as to the men who are sent there, in the first place their services are lost, and in the next place they most frequently, I believe, come out much worse men than they went in.

5720. Have you ever considered how far an effective system of these punishments could be established by means of military prisons, entirely under the direction of the military?—Yes; that is a subject that I have considered a good deal, and upon which I sent in a letter which details it; and, with the permission of this Board, I will deliver it in.

[*His Lordship delivered in the same, which was read as follows:*]

(Copy.)

Sir, *Horse Guards, July 26, 1834.*

Adverting to the conversation which I had the honour to hold with you some time ago, and to the communication which you then verbally made to me, from which I understood that his Majesty's Government had come to the determination to cause prisons to be erected at the principal military stations at home and abroad, in addition to the solitary cells at the several barracks, in order that the punishment of imprisonment by sentence of a court martial might be carried into complete effect throughout its different gradations; with the view not only of restricting, yet further, the infliction of corporal punishment, but also of relieving his Majesty's gaols from the numbers of soldiers now confined therein, and thus to remedy the evils incidental to the present system, from the unavoidable association of the soldiers with prisoners of the worst character, and with felons of the most abandoned description, I now lay before you some of the observations which have occurred to me upon an attentive consideration of this important subject.

It is not necessary to occupy either your time or my own with any discussion upon the question of corporal punishment in the Army, the subject having undergone the most serious consideration of his Majesty's Government. It only remains for me to continue to afford that zealous co-operation which it has ever received from me; at the same time that it is my duty to use every precaution in my power, that the discipline of the Army, a point of the highest importance to every interest in the kingdom, civil and military, public and private, be not compromised or endangered by the result. The principal and indeed the only essential point for consideration is the substitution of another mode of punishment, and I am not aware that any other has yet been suggested than that of imprisonment, throughout its several gradations, solitary and with hard labour; and it is, I presume, to the best and most practicable mode of effecting this indispensable object that you intended more especially to direct my attention.

Before entering upon the discussion in what manner the prisons for this purpose should be best constructed, and where best placed, and under what establishment managed, it will be useful to bring to your notice what has hitherto been done upon this matter, (the whole case having been for some years past under the serious consideration of my predecessors,) in order that as much advantage as possible may be derived from the experience of those measures which have been thus far resorted to, and the result of them be clearly ascertained and understood before any extensive new ones be finally adopted.

In the year 1825, the Legislature enacted in the 24th clause of the Mutiny Act, "that it shall be lawful for general courts martial by their sentence, to inflict imprisonment, solitary or otherwise, or corporal punishment, &c." And again in the 25th clause it is enacted, "that it shall be lawful for any general or other court martial to sentence any non-commissioned officer or soldier to imprisonment, with or without hard labour, as the court martial shall think fit, in any house of correction, common gaol, or public prison, or in any other place which such court may appoint for that purpose."

Thus leaving the power heretofore exercised by regimental courts martial, without any alteration as to the trial and punishment of minor offences.

In the year 1829 the Mutiny Act underwent a very important change, by which regimental courts martial were restricted from taking cognizance of many crimes heretofore under their jurisdiction, and the number of lashes to be awarded was limited in the case of district courts martial to *five hundred*, and in the case of regimental courts martial to *three hundred*.

In the year 1833, the Articles of War further restricted this number, in the former case to *three hundred*, and in the latter to *two hundred*.

There was also a confidential letter addressed by the adjutant-general in 1830, to the officers commanding regiments, the object of which was to modify and mitigate corporal punishment, and indeed every other species of punishment, as much as circumstances would permit.

In the month of August last, his Majesty's secretary of state addressed a letter to me, in which were defined and enumerated the military crimes to which corporal punishment should in future be applicable, and further curtailing the powers of regimental courts martial in that respect.

The general effect that has been produced by these several alterations, may be seen from the following statement of facts.

The number of courts martial that have been held throughout the United Kingdom since 1829 (the establishments of the Army having during that period undergone no material diminution) appear to be—

| | |
|---|---|
| 1830 | 2,684 |
| 1831 | 3,925 |
| 1832 | 4,840 |
| 1833 | 5,472 |

while the number of corporal punishments within the same periods, as shown by the following abstract of a return laid before the House of Commons, are —

| | |
|---|---|
| 1830 | 655 |
| 1831 | 646 |
| 1832 | 485 |
| 1833 | 376 |

Thus showing that while the number of corporal punishments has decreased nearly one-half, the number of crimes punishable by court martial alone has been more than double within the same period, and the figures prove that the annual increase in the one is in a much larger ratio than the diminution of the other.

The proportion of corporal punishments to those of solitary confinement and imprisonment, with or without hard labour, throughout the United Kingdom for the year 1833, are—

| The effective force in the United Kingdom in December 1833, was— | | | |
|---|---|---|---|
| Cavalry | 5,202 | England. | 376 Corporal punishments. |
| Foot Guards and Infantry | 20,289 | England. | 2,725 Solitary confinement. |
| Total | 25,491 | England. | 1,552 Imprisonment, with or without hard labour. |
| Cavalry | 2,630 | Ireland. | |
| Foot Guards and Infantry | 20,620 | Ireland. | 819 Other punishments by courts martial. |
| Total | 23,250 | Ireland. | |
| General total | 48,741 | | 5,472 |

Thus showing (upon a comparison with the numbers of rank and file) that above one effective soldier in every ten has been withdrawn from the military duty of the country, and tried by a court martial in the course of the year 1833.

Whatever may be the cause of this increase of crime, the fact is sufficiently apparent, that those military offences which it is judged advisable to try by court martial have increased to such an extent within the last four years, as to have caused the confinement of more than one man in every ten of the whole military force of the United Kingdom; and I must here do an act of justice to the regimental officers of the Army, from the commanding officer downwards, in this expression of my conviction that nothing within their power has been left untried to diminish the necessity of punishment by the prevention of crime. It is evident, therefore, that imprisonment, as hitherto practised, has not had the effect that was contemplated in preventing the increase of crime, but, on the contrary, that military offences have increased to a great and dangerous extent, so as to require either some other mode of punishment, or some change in the management of the present mode.

In order to place this important fact beyond the possibility of a doubt, this further proof may be added:

I have caused the returns of thirty-four complete regiments of infantry to be examined for the years 1831 and 1833, that being the whole number of regiments of the line in the United Kingdom in those years respectively, exclusively of depôts, and the result is as follows:

Corporal punishment in those regiments has decreased in the space of two years in the proportion of nearly one-half, while other descriptions of punishments have increased to nearly double, and crime has increased within the same period to above double, and the species of crimes which have increased in the greatest proportion are exactly those which are the most prejudicial to good order and military discipline. Desertion, absence without leave, habitual drunkenness, insubordination, offences on duty, selling of necessaries, minor offences.

It has now been discovered to be both inconvenient and expensive to send military prisoners to His Majesty's civil gaols, and consequently that other gaols must be provided for their reception, to be erected specially for such purpose, and the extent to which this accommodation must be made will best appear on reference to the return recently laid before the House of Commons, dated 17th February last, wherein it is shown that there were no less than nine hundred and twenty soldiers imprisoned in the various gaols of England alone in the year 1833, being nearly one in ten of the whole force. In the construction of these military prisons the following considerations should, in my opinion, be carefully attended to.

Soldiers are not unfrequently guilty of military offences, which, although very seriously affecting military discipline, are not always of a debasing character, nor would they, in some instances, be regarded as punishable crimes in civil life. Such offenders should not only be spared the contamination of a common gaol, but their imprisonment should be strictly regulated and measured, according to the nature and degree of the offence, in the description of imprisonment inflicted upon them.

It is submitted to the better judgment of His Majesty's Government, that it may probably be advisable to place these prisons under the general superintendence of the civil power, and for these reasons:

The soldier, during his solitary confinement, ought to be considered as expelled from all communication with any individual of the military community.

The exertion of the ordinary military authority, through the medium of military officers and non-commissioned officers upon soldiers who may be refractory in prison, may, in its consequence, be productive of very injurious and serious results, and tend to the commission of greater crimes against military authority and discipline than those for which the prisoner was sent there. Hence, if any serious additional offence was committed by a soldier, when in prison, the offender must be again tried by a court martial, and a more protracted imprisonment, if not a severer punishment, would, not improbably, be awarded; the reciprocal observance of forbearance of the military superintendents and gaolers, on the one part, and of respectful submission of the prisoners on the other, would be very difficult, if not impracticable, to maintain; complaints from both sides would be frequent, and appeals from the prisoners against the authority of their gaolers would be perpetual; and hence would be generated in the minds of the men rancorous and bitter feelings against the officers and non-commissioned officers, which it would, on every account, be most desirable to avoid.

Besides, in the event of those casualties, which must sometimes happen in every prison, in the severe illness or death of a prisoner, the circumstances would not unfrequently be distorted for the purpose of

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exciting discontent in the Army and irritation in the public mind, the impression of which the fullest and most scrutinizing investigation of the coroner's inquest would not be found sufficient altogether to remove.

The diet and health of the prisoner should be so regulated and attended to that at the expiration of the sentence he might be returned to his regiment in a fit state for his duty.

Upon a question so novel to me as the management of prisons, it is more my wish to offer these observations rather as hints for the further consideration of His Majesty's Government than as any decided opinions of my own; but it appears to me essential that every military prisoner should have a separate cell, and that the prisoners should never be allowed to meet except when on the treadmill, or when assembled to hear divine service, or for given hours in the day for exercise in the open air; and that even then they should be separated in small parties and in different yards; and the prison should be so constructed as to admit of the infliction of the different descriptions of imprisonment, whether of strictly solitary confinement without communication with any individual, of ordinary imprisonment, or imprisonment with hard labour; and that the whole of the establishment, governor, superintendents, and gaolers, should, even if exclusively military, all be liable to be visited by the magistrates.

That His Majesty's Government may be the better enabled to form some estimate of the expense that would attend the ultimate accomplishment of this object, it will be only necessary for me, at present, to state the probable number of solitary cells and military prisons that would be required, taking for my guide the number of troops in Great Britain and Ireland, the number of prisoners now in the civil gaols, and in ordinary regimental confinement; and allowing only in the proportion of one solitary cell for every one hundred men, the number will stand thus:

Four hundred solitary cells to be built at the several barrack stations in Great Britain and Ireland.

Military prisons, each to contain about one hundred prisoners.

Eight in Great Britain.

Three in Ireland, exclusively of the Provost in Dublin, for one hundred and sixty-one prisoners.

The proportion for Great Britain is governed by the numbers of prisoners who were confined in the civil gaols of the kingdom during the year 1833, according to the return laid before the House of Commons; and the sites fixed upon have reference also to the gaols in which there were during that period the greatest number of military prisoners confined.

One in London.
One in Kent.
One in Manchester.
One in Northamptonshire (Weedon.)
One in Edinburgh.
One in York.
One in Winchester.
One in Devonport.

If His Majesty's Government should approve of this outline, the details and establishments can be more fully given and completed, in so far as my power goes, at any moment that may be required. It must be sufficiently evident that no part of this arrangement for military prisons and solitary cells can take effect when the troops are employed in the field, nor even altogether when the troops are in quarters. I have purposely omitted any reference to this question as affecting the troops in the Colonies, because the most accurate, and indeed the only accurate information that could be safely acted upon in regard to them must wholly depend on circumstances of locality of climate, arising from the extremes of heat and cold; and therefore the whole question, as to the construction, site, and establishment of those prisons in the Colonies, had much better be left to the discretion and judgment of the highest military and civil authorities upon the spot.

I have, &c.,

*The Right Hon. the Secretary at War.* HILL.

5721. The Commissioners gather from this paper that your idea of military prisons is, that they should not be under the direction of the military in any way, but entirely under the direction of civil officers?—Yes, in consequence of the objections I have stated in the letter.

5722. Would those objections hold if the persons employed in those prisons had merely been soldiers or officers, and did not actually belong to any regiment?—Taking simply non-commissioned officers and men for that duty would be open to that objection.

5723. Are you of opinion it would be better that the governor should be an officer who had served in the Army, and the turnkeys employed persons who had served as soldiers or non-commissioned officers?—If such persons could be appointed to those gaols they might be the fittest, but not men taken from those in active service.

5724. Suppose they were taken from veterans or pensioners?—That, I think, would be a very good arrangement.

5725. Would it not be very desirable that the prisoners should be constantly reminded that they are in confinement for military and not civil offences by the seeing persons about them in military uniform?—Yes, I think that might be; but my objection was to their coming into collision with the troops.

5726. Supposing these prisons to be established throughout Great Britain and Ireland, would it be possible to make them useful, not only to the troops in garrison, but to the troops on detachment?—It would not apply to the detachments, because the expense of moving from detachments would be too great; it would not answer.

5727. You also propose to have solitary cells attached to the different barracks?—Yes.

5728. Are there now solitary cells attached to barracks?—Yes, five or six to each barrack, perhaps.

5729. Do you know whether the solitary cells attached to barracks are so restricted as to enable the punishment of solitary confinement to be strictly enforced?—Some of them are better constructed than others; but many, I believe, are not at all perfect.

5730. Has there been any representation made from the Horse Guards to the Board of Ordnance upon that subject?—Yes, there has.

5731. Are there any measures in progress for the making those cells more effectual for that purpose?—I am pretty sure such measures are going on.

5732. Supposing those prisons to be established, as proposed by you, in England and in Ireland, and the solitary cells which are attached to barracks to be made effectual for their purpose, are you still of opinion that it would be dangerous to the discipline of the Army to abolish, in these islands, the infliction of corporal punishment?—If the measure proposed was carried to its fullest extent I do not think it would be sufficient without the power of corporal punishment.

5733. Is your Lordship of opinion that corporal punishment might be made less frequent by having recourse to a system such as is detailed in your letter?—Yes, I think it might certainly prevent corporal punishment in some instances; it would render the infliction of corporal punishment less frequently necessary.

5734. Since the writing of this letter has your Lordship had any information which would enable you to give an opinion as to the possibility of establishing the same system in the several Colonies to which our troops are sent?—I have rather declined saying anything on the Colonies, because they differ so much, from heat and cold. I could have no particular guide in speaking of them, but I think in the same way, if the system were of advantage here, it might be in the Colonies.

5735. Supposing this system of prisons and of solitary cells proposed by you to be established, to what offences do you conceive that corporal punishment in the Army might be confined?—I think to insubordination, striking or threatening to strike a superior officer, desertion under aggravated circumstances, selling of necessaries, loading a musket with a criminal intention, mutiny, stealing from comrades, drunkenness on duty, and quitting the post when on duty without leave, outrages to civilians either on the line of march or at any other time, and other disgraceful offences.

5736. Your Lordship must be aware that the term insubordination is a very wide term, and includes many offences, some of a very slight nature, as well as some of a grave nature; cannot there be some definition rather more strict than that word "insubordination?"—Admitting the term to be comprehensive, I do not see how it can be otherwise defined than by leaving the nature and degree of the offence to be determined by the judgment of a court martial.

5737. Amongst other offences which, under the order of the 24th of August, 1833, are to be punished corporally, there is the selling of accoutrements or necessaries; is it, in your Lordship's opinion, essential that the selling of necessaries should be corrected by corporal punishment, or might not an experiment be made whether that offence could not be checked either by solitary imprisonment, or imprisonment with hard labour?—The selling of necessaries must always be considered in a military sense as an offence of the most serious character, as mainly affecting the efficiency of the Army, and therefore the power of corporal punishment should be retained and be exercised according to the nature and degree of the offence.

5738. Supposing that it were possible, by the establishment of those prisons and places of solitary confinement, either entirely to abolish or almost entirely to supersede the necessity of corporal punishment in England, would it be possible or would it be safe to abolish it in these islands, and retain the power upon service or in the Colonies?—I have considered that subject very much, and I do not think it would be possible to have one law for soldiers at home, and another for soldiers abroad.

5739. Is it your Lordship's opinion that the punishment of stoppage of the pay of soldiers, more especially for the offence of drunkenness, has a good effect?—I should say certainly it had.

5740. Has your Lordship ever considered how far it might be proper to give a more summary power to the commanding officers or to regimental courts martial to stop the pay of of soldiers for certain offences?—I have given that subject consideration, and I think power might be vested both in the commanding officer and in regimental courts martial, but great caution should be used in the exercise of this power, and the state of the man's necessaries and credit be accurately ascertained.

5741. Would there be, in your opinion, a feeling on the part of the soldier that the Government had no right to interfere with the pay for which the soldier had made the contract to serve the country?—If it was thought right to include it in the Mutiny Act, then they could not object to it; it would be their duty to obey it.

5742. Have you ever considered how far disgraceful punishments, such as the stocks or the pillory, or the chaining a log or a ball to a man's leg, might be had recourse to?—I know they have been tried, particularly the last, and I know it was considered too degrading for a man to be subjected to.

5743. Was it considered more degrading than corporal punishment?—It exposed them to the observations of the civilians; and I have also heard that men have been seriously injured by it. It was indeed looked upon as so degrading, that I gave out an order in 1830 to discontinue it.

5744. Supposing that punishment, or any punishment of that description, to have been inflicted, such as the stocks in a barrack-yard, not open to the observation of the civilians, would the same objection hold to it then in your opinion?—Yes; I think it is a punishment more for a beast than a man, and I should think it was not desirable to restore it.

5745. When you say that is the punishment of a beast, not of a man, you speak of the punishment by the log?—Yes.

5746. Supposing there were stocks put up in every barrack-yard, and the drunkard placed in the stocks for a certain time, and there exposed to the observation of his comrades, do you think that punishment would not be one which might answer the purpose of correcting the

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individual, and operate as an example to the others?—It might have an effect as an example, but it is so much of the same description as the other, I think it would be objectionable.

5747. One of your objections is the degradation; do you think it more degrading than corporal punishment?—No, I do not know that it is; but it is less severe, and therefore less effectual.

5748. Have you ever considered the question of soldiers and non-commissioned officers being placed upon regimental courts martial with the commissioned officers, as is the practice in some of the services on the Continent?—Yes I have, and I do not think it would be at all advisable, or that it could be done with effect.

5749. Have the goodness to state what are the objections, in your opinion?—I could not conceive that the man has an education sufficient to undertake an inquiry of that sort, or that mixing them together upon such terms of equality would have any other than the most injurious effect upon the discipline of the Army.

5750. You are aware that such a practice obtains in some of the Armies on the Continent?—I have heard so.

5751. Are you at all aware of the effect it has had in those Armies?—No, I am not.

5752. There are no longer chaplains to each regiment in the service?—No.

5753. In what way are the regiments served with religious instruction and care, and so forth?—There are chaplains to some districts, which include three or four regiments; for instance the Guards. The chaplain goes to the several regiments and does the duty, getting two regiments together; and where there is no chaplain, of which there is one instance in Scotland and two or three in the United Kingdom, there is an allowance of a guinea on Sundays to the clergyman of the parish for doing the duty.

5754. Is there any further allowance made for visiting the sick or attending the hospital?—There is for visiting the sick five shillings a-week within one mile, extending to ten shillings a-week in some cases of longer distance.

5755. Are you of opinion that such allowances as those are sufficient to obtain the assistance of a proper person on these occasions?—I think they are too small.

5756. Is your Lordship of opinion that a further inducement to a clergyman to attend upon the hospitals and sick would be advisable?—I should think it would.

5757. Are the recruits now obtained for the Army, after so long a period of peace, of a better description than they used to be formerly?—I think they are; we are more particular as to the character of recruits now than we were in time of war.

5758. When you say you are more particular as to character, is that under a general order, or is it more under the discretion of commanding officers?—Under the discretion of the commanding and recruiting officers. Some pay more attention to it than others; but the general recruiting instructions enjoin every possible attention as to character.

5759. Has it ever struck you that any regulations might be made with respect to recruiting that would, consistently with keeping up the numbers of the Army, enable you to obtain a better description of recruits?—I am not aware of any regulations which would do it.

5760. Is your Lordship aware that in the Prussian service, and in some other of the Armies on the Continent, the men of a regiment are divided into two classes, that the recruit goes in the first instance to the first class, that upon the committing of certain offences he is degraded to the second class, and that corporal punishment is inflicted only upon those who are in the second class?—Yes, I have heard that is the case in the Prussian Army.

5761. Is your Lordship of opinion that such a system as that could be introduced into the British Army?—In my opinion it could not.

5762. Have the goodness to state what your objections to the system are?—There appear to be two classes; one class is liable to corporal punishment, and the other exempt from it. I do not think it would do in our service to have two modes of punishment for different men; and I think our soldiers altogether are of that description that we could not form them into two such classes, although in point of practice there are two classes in every regiment, the good and the bad, the former being considered entitled to indulgences which are denied to the latter.

5763. Are the Commissioners to understand that you think that system is carried as far as it can well be carried in the Army at present?—Yes, the indulgences are usually as follow: leave of absence, occasional exemption from parades and drills, grant of furlough, and such other advantages as are applicable to the military service.

5764. Those are the men whose names do not appear in the defaulters' books for a certain time?—Yes.

5765. From your experience on service, is it the fact or otherwise that the best-behaved men, in point of conduct, are not better upon occasions where dash and spirit are required, than many of the soldiers who have been corporally punished, or who are very liable to get into scrapes which lead to punishment?—Yes, I think the latter as often distinguish themselves in the field and on arduous occasions as the former.

5766. Are such persons as are referred to equally to be depended upon as the regular steady soldiers?—Perhaps not under all circumstances; and of course, from their irregular habits, they give considerable trouble, and require to be more looked after and controlled.

5767. Your Lordship is aware that in the French Army a certain number of commissions in each regiment are reserved for the non-commissioned officers; could that system be introduced with good effect into our service?—It is my wish to give every possible encouragement to deserving non-commissioned officers, and, when any soldier or non-commissioned officer distinguishes himself by his conduct and his valour in the field, I do not think too much can be done for him; and I could show, from the number that have been brought forward in the Army, that that has been always attended to for distinguished conduct.

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5768. That refers, however, to conduct in the field, and not to any general system giving promotion by commissions to non-commissioned officers merely for good conduct?—Yes; my wish would be to reward those men, but not to give them commissions systematically. I think it would be very objectionable to introduce into the Army, in any numbers, such a description of officers, and that it would be equally detrimental to the service, and to the individuals; it would not be beneficial to the men themselves, for reasons I am willing to give.

5769. Of course you must be aware that there is a great difference between its being a part of a system, and therefore looked to by the non-commissioned officers as a possible reward for their good conduct, and the casual giving of commissions to individuals for great merit on extraordinary occasions?—Certainly; I am quite aware of that.

5770. In point of fact, are not the commissions of adjutant and quartermaster very frequently conferred solely on account of good conduct?—In the case of adjutant frequently, in that of quartermaster almost always, but not often ensigncies.

5771. No non-commissioned officer can look forward to the obtaining a commission, either of adjutant or quartermaster, as a right from any regulation of the Army?—No; such promotion arises entirely from his good conduct, and is given at the recommendation of his commanding officer, who states his opinion of the ability and fitness of the individual.

5772. It is in the discretion of the commander-in-chief?—Yes.

5773. Can you furnish the Commissioners with the number of non-commissioned officers who have been promoted to commissions within the last ten years?—I beg to deliver in that return.

[*His Lordship delivered in the same, which was as follows*:]

NUMBER of Non-Commissioned Officers appointed to Commissions in His Majesty's Service from the 1st January 1826 to 31st December 1835.

| | Cornet, or Ensign. | Adjutant, with rank of Ensign or Cornet. | Quarter-master. | Total. |
|---|---|---|---|---|
| In the year 1826 . . . . | .. | 11 | 14 | 25 |
| ,, 1827 . . . . | 2 | 7 | 19 | 28 |
| ,, 1828 . . . . | 1 | 3 | 10 | 14 |
| ,, 1829 . . . . | .. | 4 | 11 | 15 |
| ,, 1830 . . . . | 1 | 4 | 7 | 12 |
| ,, 1831 . . . . | 1 | 4 | 6 | 11 |
| ,, 1832 . . . . | 1 | 3 | 1 | 5 |
| ,, 1833 . . . . | 1 | 4 | 3 | 8 |
| ,, 1834 . . . . | 4 | 7 | 9 | 20 |
| ,, 1835 . . . . | 7 | 5 | 8 | 20 |
| Total . . . . | 18 | 52 | 88 | 158 |

5774. Does the commission of adjutant give the rank of ensign, and put the officer in the line of promotion?—Yes.

5775. Have you known many instances in the Army of men who have served in the ranks, and been non-commissioned officers, rising to commissions?—I have, several.

5776. Have you, on the other hand, known instances of persons who have obtained commissions from service in the ranks, or as non-commissioned officers, who have found that they could not continue in the Army, either from the expense, or otherwise?—Many of them, I am sure, are not able to support that situation, and, I should think, are put to considerable inconvenience by it.

5777. Upon the whole, are you of opinion that it has answered in more cases than it has failed, giving commissions to non-commissioned officers beyond those of adjutant and quartermaster?—I think it has not been generally successful, though there are some distinguished exceptions.

5778. Of course, men who have risen from the ranks, and have been non-commissioned officers, do not obtain their commissions until they have arrived at rather too late an age to begin the profession?—No non-commissioned officer can obtain a commission unless he has served a very considerable time, and arrived at a certain age; and, consequently, coming in among the young officers, he must find his position exceedingly disagreeable.

5779. Is the regimental mess upon such a footing as that an officer raised from the ranks would find it convenient to live at that mess with the rest of the officers?—No, he could not, unless he had something in addition to his pay. A serjeant, if raised to the rank of officer, would be placed in a very unpleasant situation from the want of means to equip and support himself on a footing with his brother officers.

5780. In case of a non-commissioned officer being married, would that increase the difficulty?—Very considerably; he would not have to live at the mess, perhaps, but he would have his family to support according to their new position, and be exposed to serious inconveniences in consequence.

5781. Has your Lordship ever considered the question of establishing an order of merit in the Army for good behaviour, after certain periods of service, that order of merit entitling the person either to some distinction of dress or medal, or, in some cases, even to an increase of pay?—Yes, I have considered that. It is my opinion that it would be desirable, under very great restrictions. I would not wish to go into detail upon this at present, but would confine myself to say that if it were under proper restrictions it might be desirable.

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5782. Is there any alteration in the giving of pensions which you think might be desirable, with a view of giving greater inducement to respectable persons to enter the Army?—The last warrant, which determines the rates of pension, is dated 7th February, 1833, and in the provisions of which I expressed my concurrence, in a letter addressed to the secretary-at-war, dated 25th January, 1833, accompanying, however, that expression with a paper containing such observations as occurred to me thereon; and upon reference to that paper I find it stated as my opinion, "That in the infantry service, such as the British Army is now employed upon throughout our vast colonial possessions, very few men can be capable of performing all the duties of a soldier, and carrying weight upon a march, after a period of twenty-one years; but, as the authority of the secretary-at-war and paymaster-general has, upon a consideration of my remark, urged the period of twenty-five and twenty-eight (instead of, as in the former warrant, of twenty-one and twenty-five), there is no disposition on my part to press my objection further; although, it may be said, that after such protracted military service of twenty-five and twenty-eight years, six pence a-day, being the half of the service pay, is rather a small retiring pension." That is also my present opinion upon that point. It certainly was my understanding at that time that this measure was to have a general effect upon every description of troops in His Majesty's service, but I have since heard that it has not been applied to the corps of marines, whose pensions are therefore more favourable than those of the Army.

5783. Is it not the fact that the greater part of the punishments in the Army are inflicted upon men who are exposed to that punishment frequently; that is to say, that there are men in most regiments who have been punished over and over again, and that the greater part of the crimes committed in those regiments have been committed by those men?—I think it is generally confined to the same description of men.

5784. Are you of opinion that greater facilities to get rid of such men would be of advantage to the Army?—I think it would, indeed.

5785. The question alludes to facility, by giving more power to the commanding officer in that respect?—Yes; always, however, with the sanction of the commander-in-chief.

5786. That, of course, would be more easy in a time of peace than in time of war, when men are wanted for immediate service?—Certainly.

5787. Are there facilities given for games and sports in the barracks and quarters throughout these kingdoms?—Yes, I think they are very much encouraged; and it is my decided opinion that amusements and games ought to be encouraged in every way.

5788. Do you think it would be a good thing if the Ordnance were to be at the expense of making fives-courts, and places of that description, in all the barracks?—I am sure it would be.

5789. Might it not be of use to encourage soldiers in taking recreations of that sort?—It would be advantageous to them, and desirable that they should.

5790. Have you ever considered the question of having regimental libraries for the instruction of the men, not in military matters, but for purposes of general amusement; rooms in which there might be a collection of books, and appropriated to the purpose of reading?—If it was confined entirely to reading and amusement it might be very well; but the danger is, men collecting in societies of that sort. They might not always make the best use of such opportunities of assembling. Care must be taken in all arrangements of this description not to add to the already great quantity of baggage, the weight of which is determined by His Majesty's warrant.

5791. Is your Lordship aware that they do actually exist in many regiments?—Yes, I know they do in some instances.

5792. Would it be possible in any regiments, or in any way in the Army to establish savings' banks for soldiers, where they might deposit a part of their pay, to be returned to them at the time of their discharge?—I have not yet considered that point sufficiently to enable me to give a decided opinion upon it.

5793. It has been suggested to the Commissioners that penal companies or regiments might be established, to which the men of bad character in a regiment might be sent; do you think it would be possible to establish such corps with effect?—I know that penal corps were some years ago put down, and I do not see how any companies could be formed that could be of real service. I think the great objection is, that if men are sent to penal corps they are put out of sight, and thus the effect of their punishment, as a warning to others, is lost. All our regiments are liable to take their tour of service in any of our colonial settlements, however distant and unhealthy, and, as it would not be safe to intrust our possessions to penal corps, it follows that the service which would be considered a punishment for the one must be taken as a duty by the other.

5794. Have you any other paper which you think it might be desirable to deliver in?—I have brought with me a memorandum on the subject of corporal punishments, by the Duke of Wellington, dated 4th March 1833, which I forwarded at that time to the secretary-at-war.

(*His Lordship delivered in the same, which was read as follows:*)

(Memorandum.)

*4th March*, 1833.

In late years the opinion has been started and has been gaining ground, that corporal punishment ought to be abolished in the Navy and Army.

I shall say nothing of it in the Navy. The question is important in relation to the Army.

The opinion that corporal punishment ought to be discontinued in the British Army originated in the discontinuance of such punishments; first in the Army of France, and afterwards in the Armies of other Powers.

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Very early in the war of the French revolution France commenced the system of raising its Armies by conscription, or ballot. All classes of the population were liable to be drawn for service in the Army, and some of the youth of all classes were, in fact, drawn, and served in the ranks of the Army as private soldiers. The consequence of thus recruiting the Army was, that its soldiers being composed of the youth of all classes, many of them of good education and fortune, and some even of the highest families, were better behaved and more amenable to good order and discipline; they were more obedient, and their habits more easily trained to obedience and discipline, than those of recruits raised by the ordinary means, at that time common to nearly all nations. The well-educated and well-disposed among them became not only an example, but a check and control over the conduct of their comrades not so well inclined, and the whole machine became more easily conducted. It is not extraordinary that those who introduced this system into France, and who must have been sensible of its unpopularity, of the distress which it occasioned to private families, and of the injury which it did to the youth of the country in general, should have been desirous of alleviating all these injurious consequences, and of soothing these feelings, by the substitution of some other for corporal punishment.

The discontinuance of corporal punishment followed the establishment of the conscription in France.

Other countries of Europe, which with more or less of modification have since followed the example of France in the mode of raising their Armies by ballot or conscription, have equally followed the example of France in discontinuing the corporal punishment of soldiers.

It is quite clear that the British regular Army cannot be raised by conscription or ballot. The right of a country to the services of all its subjects for its defence can be well understood. It is on the principle of *defence* that the seafaring man is liable to be impressed for service in the King's ships, and that all the inhabitants of the country are liable to be ballotted for to serve in the militia. But the force called the *regular Army*, which is liable to be sent to any part of the world, not for the defence of the land of England, but of a colony or settlement, or for the conquest of a colony or settlement, or for the defence or for the conquest of any foreign territory, cannot be considered in the same light. Men cannot with justice be taken from their families, and from their ordinary occupations and pursuits, for such objects.

The recruits for the regular British Army must be volunteers.

Accordingly there is no instance in which the system of raising men for the service of the Army by voluntary enlistment has been departed from, whatever may have been from time to time the wants of the service for men.

It appears then that the foundation for a change in the system of discipline in the Army does not and cannot exist, and that the example of other Armies cannot properly be applied to this.

But we must look a little further into this question, and see whether it is possible to alter the system and mode of our discipline, although we cannot that of our recruiting. Our recruit is induced to enter the service by a bounty, which, in fact, in time of peace, is little more than nominal, and sufficient to pay for those necessaries which he must have when he shall join his regiment. The military service is unpopular in the country, as is believed by some, on account of the severity of its punishments; but it is so in truth, on account of the necessary restraints upon the habits of the man become a soldier, and on account of the severity of the service and duties which he performs. Families who object to their sons entering for soldiers know well that they may by regular conduct avoid punishment. They cannot avoid service for life at moderate pay in unwholesome climates, at great distances and risk to health and life. The bounty, however small, is in reality the only temptation to enlist; and it cannot be denied that in ninety-nine instances out of a hundred some idle or irregular, or even vicious motive, is the cause of the enlistment of the volunteer.

The recruit thus raised is sent to his regiment, where he is to be trained to be the best soldier that can be formed, for it must never be lost sight of that those of any other description will not suit our purpose.

It must not be supposed that this man can be taught his duties as a servant; his inclinations are all to be thwarted, and his habits altered, not by precept and example only, but by the constant attention, observation, and exertion, and severity, if necessary, of those placed over him; and most particularly those irregular or vicious habits or propensities, the hopes of the indulgence in which induced the recruit to volunteer his services. Unless this is done effectually it may be relied upon that no soldier can be formed.

This recruit is usually enlisted for a period, whether for life or a stated number of years. He cannot be allowed, as a servant or a labourer might be, to quit the service in which he is engaged as soon as it becomes irksome to him; nor can he be sent away because he is disobedient, irregular, unwilling to learn, or that he insults and strikes those whom he is bound to respect and obey. He must be constrained to serve the State according to his engagements, and must be taught and must be forced to learn how to serve in his station of soldier, and how to keep himself, his arms, his equipments, and clothing, in a state to enable him to serve; and, above all, to attain habits of obedience and good order, and of respect and attention to his official superiors.

It has been already pointed out that this State requires from its officers that they should form the best of soldiers for its service. The country will not bear to be oppressed by the irregularities of an armed body, even by individuals belonging to it; for these the officers, and even the Government, are answerable. But it is obvious that these irregularities can be prevented only by the exercise of authority with a strong and vigorous hand.

The soldier has in England duties to perform, the due performance of which requires discipline, obedience to orders, and regularity on his part; these duties can be enforced only by authority.

I put out of the question, for the moment, extreme cases, such as those of which we witnessed but too many in the year 1831; but I am convinced that there is no man who shall have contemplated the forbearance and the tranquillity of the troops, under circumstances of unparalleled insult, injury, and danger, and their subsequent activity and efficiency when ordered to act, who will not see the advantages resulting to the State from the discipline of the Army, if the State is to have an Army at all.

The question still remains, however, is the use of corporal punishment necessary? It is quite obvious that there must be in the hands of the commanding officer of a body of armed men some easily attainable means of punishing, in order to maintain any discipline or regularity among those over whom he is placed.

That which the commanding officer of a battalion has in the British service at present the power of inflicting consists in confinement to the barrack-yard, to the barracks, to the guard-room, to the black hole, the two last for less than twenty-four hours. He can besides order a man to attend drill, or to

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perform additional duties. The last I believe to be irregular, unless they should be duties of fatigue. The performance of a duty of honour or of trust, after the knowledge of an offence committed by a soldier, ought to convey a pardon for the offence. The commanding officer can do but little more than what is above stated without reference to a court martial.

It is quite obvious that the execution of all these punishments, however trivial they may be, depends upon the infliction of some one more severe, in case these, or any of them, should be resisted.

If a commanding officer had no means at his disposition of obtaining the punishment of a soldier who should resist confinement in the barrack-yard or the black hole, how many soldiers would allow themselves to be so confined? How many would there be ready to knock down sentry, non-commissioned officer, or officer, and all who should endeavour to enforce this punishment? If, under these circumstances, such punishments could be put in execution in some individual instances, how many would conspire and combine to attack the sentries and guards placed over the men thus placed in a state of confinement? It is the power existing of inflicting a greater punishment, the certainty that it will be inflicted, and the terror which it inspires, which render these minor punishments effectual, establish subordination among the soldiers, and ensure discipline. The use of the more severe punishment becomes less necessary and less general.

Would nothing but corporal punishment answer the purpose? I know of nothing which could produce the same effect.

Solitary confinement, even if it could be inflicted, would not be effectual; but it could not be inflicted. Even if solitary cells were constructed in barracks, sentries must be placed over those confined in them; every body knows that there would thus be an end to the punishment. The infliction would be that of the black hole, in the shape of a better prison, and for a longer period of time. Tread-mills in barracks are out of the question. Nobody can think it proper to commit the soldier to the common gaol because he has been drunk, or negligent on guard, or because he has knocked down a sentry, or beaten or abused his officer or non-commissioned officer employed in the execution of a sentence, that he should be confined to the barrack-yard for such irregularity; nor can he be transported or hanged for such offence; neither can the soldier be mulcted of his pay. He has now sufficient for his maintenance, and the purchase of necessaries to keep him in health, and in a condition to perform his duty. The deprivation of a greater proportion of his pay than he can now be deprived of, by way of punishment, could only tend to increase his debt to his captain.

There remains, then, corporal punishment alone, as regulated at the discretion of a court martial.

A great deal of light would be thrown upon this subject by a review of the efforts made by different commanding officers of regiments to carry on the service without inflicting corporal punishment.

There was one remarkable case in a regiment in which the commanding officer had invented punishments, all of them very innoxious in themselves, but very teazing to the soldier, in order to avoid this punishment, against which he had heard so much. It ended by the battalion which he commanded firing upon him and his officers at a field-day, with their buttons in their muskets.

These discussions upon corporal punishments have certainly had the effect of checking them; and they are less frequent than formerly; but the disinclination to inflict them has certainly had the effect of rendering more frequent in the Army the crimes of abusing, striking, and even shooting non-commissioned officers and officers. Both are necessarily obliged to put themselves forward more frequently than formerly in cases of violence and outrage; and it is obvious that there exists less respect for their authority and persons. This alone is a great injury to discipline.

What I have already stated refers entirely to an Army within the United Kingdom. I do not see how it is possible to employ any Army, or even a detachment from it, out of the United Kingdom, if the means of maintaining its discipline, its obedience, and its orders, are not left in the hands of its superior officers. I have already said that we *must* have the best soldiers in the world. There is not a part of their duty that does not require for its due performance the utmost watchfulness, steadiness, and strictness on the part of their non-commissioned officers and officers, the most efficient exercise of their authority, and all the support of the terror of punishment which the law can give.

The whole machine appears to the unpractised eye to move very easily, very steadily, and of itself; but the benefit which it confers is the result of previous arrangement, order, and discipline. We send a subaltern, with a couple of non-commissioned officers, and twenty private soldiers, the brothers, the companions, probably, of hundreds of convicts, whom they are to guard in a transport to the *Antipodes*. This appears very simple and very easy, but if these soldiers were not disciplined, and put into a state of obedience and order, and so kept to the performance of their duty by the same means, what is to prevent them from joining the convicts and taking the ship? Let the cases of the return of soldiers from the East Indies be looked at, and the consequences of indiscipline will be too apparent. The same would occur in every case abroad. The British Army, go where it may, must be successful in affording protection and security, or all is lost. This can be done by discipline alone.

But when we come to consider of the greater operations of war—that in such we must be the example of obedience, good order, and discipline to our allies, and the terror of our enemies, on account of our possessing these same qualities,—I cannot conceive that there is a man with information upon the subject, who will think otherwise than that if the State is to have an Army, we must maintain in it the use of corporal punishment.

5795. Is there any point which strikes your Lordship upon which the Commissioners have neglected to ask your opinion, and on which you would wish to give your sentiments to the Commissioners?—The only favour I should ask would be just to see what I have said, and then, if I have not sufficiently explained my sentiments on the subject, I will add to my evidence.

[*His Lordship withdrew.*]

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*Saturday,* 20th *February,* 1836.

The Right Hon. Lord WHARNCLIFFE in the Chair.

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Field Marshal the Duke of *Wellington* was examined as follows:

*Field-Marshal the Duke of Wellington.*

5796. In what year did your Grace enter the Army?—In 1787.

5797. Did you continue to do regimental duty for several years afterwards?—I did: I was abroad at first for some time after I entered the Army, and then I joined the 12th Light

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Dragoons, and I was an aide-de-camp to the Lord Lieutenant of Ireland. I was absent occasionally, but I was generally with my regiment the greatest part of every year; then I was a captain of the 58th regiment of Foot, with which I did duty; and then I was a captain in the 18th Light Dragoons, in which I did duty; I was then major in the 33d regiment; and I may say that from the time I became major in the 33d regiment, until I quitted India, I commanded the regiment, for I commanded it even when I was otherwise employed, and even on the staff. In short, I believe I have done as much regimental duty, I was as much and as constantly with the regiment, particularly from the time I became major in the 33d regiment, as any officer that ever was in His Majesty's service.

5798. And in the command of that regiment?—Actually in the command of that regiment: I was otherwise employed on general service, but from the time I became major of the 33d regiment I never took my hand off that regiment. I commanded them even while I was on the staff and in the field, sometimes near them, and sometimes at a greater distance; but I was in the actual command of that regiment up to the moment at which I left India.

5799. At that time were not corporal punishments much more frequent in the Army than they are at present?—I cannot exactly say how the thing stands at present, for since I resigned the command of the Army in the year 1828, when I was appointed to be First Lord of the Treasury, and by desire of my colleagues resigned the command of the Army, I have not interfered in any regimental concern whatever. I was at that time, and am still, colonel of the Grenadier Guards, but I never interfere in the detail of the Grenadier Guards. I did not interfere in the detail of the Grenadier Guards, particularly in respect of this matter of punishment, because I know that I differ in opinion upon that subject from the commanding officer of that regiment, Colonel Woodford, and, therefore, knowing that the opinion of the public is that these corporal punishments ought to be discontinued, and knowing, besides, that it was the desire of the Government that they should be discontinued as much as possible, I have considered it my duty to refrain from even giving an opinion upon the subject. I have allowed him to do that which he thought proper for maintaining the discipline of the regiment, and from the year 1828 downwards I cannot say that I have an official knowledge of anything. I have the knowledge which every body has who lives in society, but I have no official knowledge upon the subject. I am inclined to believe that there is less corporal punishment, but, then, on the other hand, I am inclined to believe that there is a great deal more crime. I have called upon Colonel Woodford repeatedly, more in the way of conversation than officially, but I have called upon him repeatedly to give me a statement of the defaulters' list in the three years that the Grenadier Guards were commanded by Colonel Townshend, when I was first appointed their colonel, as compared with the three years during which they were under his command, and I have never been able to procure that return; I conclude that that return would show that he was wrong in his system. Very likely this Commission may have got that return, or may have got some information that I have not got upon that subject; but I have no information from 1828 upon any military point of that description. Up to the year 1828, in the last years previous to that year, I should say that corporal punishment in general had been discontinued to a great degree in the Army, in comparison with what it was formerly. A great variety of other punishments had been invented, and I certainly thought that that system had not been very successful. I remember, in the papers which I have written upon the subject, which I believe have been before the Board, a very curious case is mentioned of an officer commanding a battalion, in which he carried into execution those different modes of punishment, and undoubtedly he contrived to excite a mutiny, and I was obliged to treat him a little harshly upon that subject, for he had inflicted all sorts of punishment, and the affair ended by the battalion firing their buttons upon him. This created a degree of alarm at the time at which the affair came before me at the Horse Guards, and I was obliged to check all those new-invented modes of punishment, which harassed the soldiers a great deal. There was no diminution of crime. Crime continued just the same as ever, but there was an alteration of punishment, from corporal punishment to those other new-invented modes, which certainly did not answer the end of preventing crime.

5800. While your Grace commanded the Army, was it your wish, and did you endeavour, to diminish the frequency of corporal punishment as much as you could?—As much as possible. From the time I entered the Army it has been the desire of every commanding officer that ever I have seen, who knew what his duty was, to diminish corporal punishment as much as possible. There is one very remarkable circumstance, which I beg the Board will never lose sight of, that is, that this punishment is always inflicted in public; that, supposing the commanding officer himself had no feeling in respect to the punishment which is inflicted on the individual, he must know there are many present who do feel it in a very extraordinary degree; officers and soldiers both, who are excessively annoyed at this punishment. But it is inflicted because it is a matter of necessity. It is done in public, and there is a security that it will not go to any excess.

5801. At the time when your Grace commanded the Army, had the punishments of solitary confinement and imprisonment with hard labour been adopted?—To a certain degree.

5802. What had been the effect of that substitution?—I don't think that it produced any effect. I have seen solitary confinement inflicted in the garrison of Fort William in Bengal—solitary confinement, with what they call *congee*; that is, the soldier is fed upon *congee*, *congee* being the water in which the rice is boiled. I must say that that punishment never had any effect upon the men at large. The punished soldier was reduced a little in his strength by it, and in all probability he was saved from a fever by being upon this regimen, and kept in confinement and out of the sun for a few days after the irregularity which had occasioned the confinement; but I never knew that it produced any effect upon the men at

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large, at least to make them more sober. They always got drunk whenever they had an opportunity of doing so.

5803. Is drunkenness the great parent of all crime in the British Army in your opinion?—Invariably.

5804. If you could by any means check the practice of drunkenness, are you of opinion that the British soldier would be a difficult person to manage?—I should say a difficult person to manage always to a certain degree, because there are a good number of irregularities besides drunkenness. He has a great number of habits that must be broken through; he joins his regiment excessively undisciplined, with habits of different kinds that certainly must be broken through, and he must be brought to a certain degree of training before you can say that he is a person that you can depend upon so that he will not misbehave.

5805. Do you imagine that the British soldier would be more difficult to bring into a proper state of discipline, provided that habit of drunkenness could be cured, than the persons that compose the other Armies in Europe?—I should say yes; because, in the first place, the British soldiers are taken entirely from the lowest orders of society. Other Armies are composed of men of all classes; they are drawn by conscription, and men of all classes are liable thereto and are serving in the ranks in the French Army, the Prussian Army, the Austrian Army, and the Russian Army—in the Russian Army rather less than the others.

5806. Has any mode ever suggested itself to you by which a better class of persons might be induced to enter into the Army under the present mode of voluntary enlistment?—I should say not. The objection to entering into the Army, in my opinion, is the severity and regularity of the duty, the regularity of the discipline, and the life which the soldier is obliged to lead and which you must oblige him to lead, the climates to which he is exposed, and the constancy of the service in those climates. I do not think that a better description of persons would be induced to enlist than at present, voluntarily, not even for any bounty, because the amount of the bounty is no consideration. The large bounty would be taken, and they would walk off upon the first opportunity. I do not think any bounty would procure the service of a better description of men than is enlisted at present.

5807. Supposing corporal punishment to be entirely abolished, and that certain civil privileges were given to persons who had served in the Army, do you think that might have the effect of producing a better class of persons in the Army?—I do not think it would. I do not see how you can have an Army at all unless you preserve it in a state of discipline, nor how you can have a state of discipline unless you have some punishment. I confess that that is the worst of what I see going forward. There is no punishment which makes an impression upon any body except corporal punishment. You send a man into solitary confinement; nobody sees him in solitary confinement, and nobody knows what he is suffering while he is in solitary confinement; and therefore this punishment is no example to the thousand men who are there upon the parade at the same time. The man may suffer so much in solitary confinement as that he will not be guilty of the offence again; but that is not the principle of punishment—that is not the intention of punishment. The real meaning of punishment, if it means anything, is example,—it is to prevent others, by the example of what they see the criminal suffer, from committing the same or a similar offence. If that is not the intention of punishment—if the intention is to punish, or even to improve the conduct of the individual only—you may find other punishments; but you will have hundreds of others guilty of the offence, and you will have the whole regiment, by degrees, in a state of punishment. There is another question again, which is—What is to enforce these punishments? For instance, I understand that, in some of these battalions of Guards, they have eighty or one hundred men *billed-up*. As long as the commanding officer can punish by means of corporal punishment, this *billing-up* can be enforced; but if corporal punishment should be discontinued, who is to enforce the *billing-up?* It is quite out of the question; and therefore I say, if it is intended that punishment should be an example, you must have something or other that other men will feel that it is better for them that they should not have inflicted upon them; and also, you must have something which shall be an ultimate resource in case they should not submit to the minor description of punishment which circumstances might enable the commanding officer to inflict upon them. That is my idea of the necessity of corporal punishment. Then there is this further observation, (which I entreat the Board to bear in mind,) that the regularity, and order, and discipline, of the corps, is not merely a public affair; it is not only that the regiment may be fit to do its service for the public, but I say that it is a positive breach of faith with the good man if discipline should not be enforced. I will suppose that there are one hundred men in a company, eighty of whom behave exceedingly well, and submit to all your regulations, and I apprehend that will be found to be pretty nearly the usual proportion; there will be eighty of them who never incur a fault of any description; they lead a quiet life in the barracks, and do everything that you require from them; but there are twenty that will not do so. What happens? These twenty are constantly disturbing the peace and the comfort of the eighty, and there is perpetual riot and disorder going on in the barracks besides. These men are perpetually in a state of punishment; they are either *billed-up*, or they are in confinement in the guard-house, or they are in confinement in gaol, or in some way or other. The consequence is, that those eighty are obliged to do their duty for them; so that, by not enforcing your discipline, and not enforcing your own orders, and not punishing when those orders are not obeyed, you are doing the grossest injustice to those who do obey your orders. That is a view of the case which is not generally taken; but it is a true view, and ought to be brought before the public.

5808. But supposing that the punishment of solitary confinement could be made such a one as to be a terror to the soldiers in general, might not that be resorted to as an ultimate punishment instead of corporal punishment?—There is a great deal to be said about solitary

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confinement. In the first place, I do not believe that it could be enforced as a military punishment; you must have recourse to the civil power to enforce that punishment. Supposing that you were to build, in all the barracks, a certain number of solitary cells, the men must be watched and guarded in those solitary cells by their comrades. The consequence is, that they get into constant conversation. That was the course at Fort William. The sentry does not do his duty; he gets into conversation with the man in the cell; the solitary part of the confinement is lost. As a military punishment I do not think it could be carried into execution. And, moreover, you would still require something to prevent what I should call the knocking-down system,—the knocking down the sentry or the non-commissioned officer who is taking the man to the place of solitary confinement. All this must be provided for, there must still be something behind as a resource. One officer with whom I am acquainted, who is a great advocate for this description of punishment, had a scheme of this sort; he proposed that there should be a civil establishment formed, which should have the charge of those military gaols, and not the military officers and troops. The object was that, as there must be some further punishment in order to keep those in order who should be in the gaols, this punishment should be inflicted by the civil and not by the military power; that is the meaning of that proposition. I confess that I cannot see my way through such a system without incurring such an enormous expense that I am convinced the public would not entertain the proposition if it were fairly brought forward; and, after all, there must be, as a final resource, some other system of punishment. I am aware that lately, in the gaols of this country in general, a system of solitary confinement has been adopted, and silence enforced. I do not know how far this has answered, or what is the resource to be adopted if the man does not submit to the regulations of the prison. I understand that they deprive him of his food, and that in some instances that has been found to answer. That may answer; but I understand that, in America for instance, at Sing-sing, and at some other places, the resource is corporal punishment. In some instances stopping the food might answer, in others it certainly would not. The consequences of having such a vast body of men in a state of punishment must not be lost sight of. There are at this moment, in one battalion of the Coldstream Guards, I am told, not less than one hundred men out of six hundred under punishment, which number would be absent.

5809. Of course, a small proportion of those hundred men would be liable to solitary confinement, supposing that solitary confinement to be inflicted only by sentence of a court martial?—I cannot say the proportion.

5810. Is it your Grace's opinion that it would be impossible, even in barracks, to erect cells that would be effectual for the purpose of solitary confinement?—They must always be under a sentry.

5811. Supposing that sentry to be so placed as to be at such a distance from the solitary cells that no communication could take place between him and the prisoners?—I do not mean to say that that is impossible; I only state what I have seen at Calcutta, in the Congee-house, and there it could not be prevented.

5812. Supposing that some scheme should be devised, which should make those punishments of solitary confinement or imprisonment with hard labour, effectual and real punishments, is it still your Grace's opinion that it might not be made to supersede corporal punishment by the lash?—There would still be the absence of the example; the battalion would not know that this man was suffering for having committed such an offence; they would know that he was in this solitary confinement, but till the man had been in solitary confinement for a week or ten days, or a fortnight, he would not know the consequences to himself; and how much he suffered in this solitary confinement, of course the battalion could not be acquainted with.

5813. Supposing a man to be so solitarily confined, is it your opinion that his representation, when he comes out of that confinement, would not answer the purpose of example to the rest of his comrades?—I should think not.

5814. Are you of opinion then that the infliction of a certain number of lashes, after the reading of a court martial in the front of the regiment, would have more effect as an example, than any representation he might make of his sufferings in prison?—I have no doubt of that whatever.

5815. Have you known instances in which the infliction of corporal punishment has had the immediate effect required, namely, the putting a stop to the prevalence of such crimes as the man was punished for?—Certainly.

5816. In cases of insubordinate conduct and refusal to march, and so forth, would it be possible to substitute any other punishment which would be so summary and so effectual as that of the lash?—I have no idea of any great effect being produced by anything but the fear of immediate corporal punishment. I must say, that in hundreds of instances, the very threat of the lash has prevented very serious crimes. It is well known that I have hundreds of times prevented the most serious offences by ordering the men to appear with their side arms. When I found any great disorder going on, the first thing I did, was to order that all the men must appear, if they appeared in the street at all, in their side arms, that was the first thing. I then ordered that the rolls be called every hour; and all those restraints were enforced by the fear of the lash. If it were not for the fear of the lash, who would appear in his side arms? Then, after that, if this did not do, I ordered them all under arms, and kept them standing near their arms. It is well known that I have done that very thing frequently. All those things were ordered to prevent the mischief in the first place; and in the next place, I was quite sure that no man would venture to disobey it, because he knew that if he ventured to disobey it he would come to corporal punishment.

5817. Supposing the power of corporal punishment had not been in your hands at that time, could you by any other means have established that discipline in the Army?—No, it is out of the question.

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5818. You are now speaking of circumstances upon actual service?—Yes.

5819. Must not a certain time elapse before corporal punishment can be inflicted, on account of the proceedings of the court martial?—There was a very summary proceeding, which is now discontinued, which is called a drum-head court martial; but the man is brought to a court martial as soon as possible. A court martial is ordered; the forms take a certain time, but the man is sure of being tried, and, if convicted, of being punished. But, besides this punishment by court martial, there is in all Armies the provost. I do not mean to say that the provost could be used for the purpose of enforcing an order of that description, but the provost is always liable to be used to prevent any irregularity: for instance, if there is a system of plunder going on, the provost is ordered to prevent it, and he punishes those taken in the fact upon the spot.

5820. Are drum-head courts martial upon service entirely discontinued?—I do not think they were very common. We did not want them.

5821. Supposing the wish to abolish corporal punishment to be as strong and as general as can be conceived, not only among the public, but among the officers, can you point out any possible means of doing without corporal punishment while the Army is in the field?—I have not an idea of any possible means. Having had this subject in contemplation for six or seven years, I have turned it over in my mind in every possible way; and I declare that I have not an idea what can be substituted for it. You may have an Army without discipline, or you may have no Army at all; but if you are to have an Army in a state of discipline, and in a state of efficiency, and I must say in a state of decent comfort, I have not a notion how you are to go on without having some punishment that shall make an impression upon the minds of those who are serving. I assure the Board that I have turned my mind to the subject in every possible way, with a view of discovering some mode of solving the difficulty.

5822. Supposing it were found that the punishment of solitary confinement, or imprisonment with hard labour, was effectual for those purposes at home, would it be possible to establish a system of that sort when the Army was serving in the field?—Absolutely impossible.

5823. Your Grace is aware, that by the regulations of the French Army, no man is to be corporally punished or struck. How do the French, when they are in the field, and upon service, manage to keep up the discipline of their Army?—The French soldier is quite a different person from the soldier in the British Army; he is enlisted by conscription. There are men of all classes in the French Army; the good keep the bad to a certain degree in order; besides that, the whole system of the French Army is a good deal more loose than ours ever can be. Their numbers are infinitely greater; they can bear a looseness and want of discipline much better than we can upon that account; they can subsist much more easily for that reason; and, besides that, I am rather inclined to believe, that, notwithstanding that there is no regulated system of corporal punishment, there is a good deal of severe punishment in the French Army, and they put people to death to a much greater degree than we do; and I fancy that among the soldiers themselves they strike a great deal.

5824. Had you an opportunity of ascertaining the fact, that the discipline of the French Army is by no means so strict as the discipline of the British Army?—I should say that it is not so strict, certainly. In the first place, they are entirely a different class of people. The officers of the French Army live with the men a great deal more than ours do; they are of the same class of persons to a greater degree than ours are. At different times I have had French guards of honour attending me; and I have sometimes found the officer playing at billiards with the men of the guard, and familiarities of that sort going on that were never heard of in the British service, and could not be allowed. Therefore, the whole of the system is much more loose than ours is, on account of the description of men we have for soldiers, and the description of gentlemen we have for the officers, and the relative number of which our Army is composed compared with the Armies of the Continent.

5825. Upon service, do you conceive that the discipline of the Army which you had under your command in the Peninsula, was superior to the discipline of the French troops opposed to you?—I have not the most distant doubt of it, infinitely superior.

5826. Superior in respect to the treatment of the country in which they were serving?—Not to be compared with it, even their own country; an enemy's country to us, and to them their own country.

5827. And even there the discipline of the English Army was superior to that of the French?—Infinitely.

5828. In what respect was the discipline of the French Army so inferior to ours?—A general system of plunder, great looseness in the performance of the duty, great irregularity; in short, irregularity of which we could not venture to risk the existence even.

5829. Was it not the fact, that the people came home to their houses when the English were to occupy them, having left them when the French were to occupy them?—Yes, that was the case.

5830. Comparing the discipline of our Army with that of the Prussians, do you conceive that our discipline for all purposes in the field is the more effectual, or theirs?—Not to be compared. We could live in a country which the Prussians were obliged to quit, and have done it. When I marched up to Paris with the Prussian Army upon my right, they were obliged to quit the country in which they were living. Both Armies were living by requisition; and we went and lived in that same country, because my Army was in a state of discipline, and order, and regularity, and obedience, and the Prussian was not. That is a positive fact upon record, which everybody knows. Then there is another circumstance, which I must mention upon that subject. The two Armies when they joined, had, the Prussian Army one hundred and fifty thousand men, the Allied Army under my command only

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ninety thousand men. When they both reached Paris, they had lost about the same number in operations upon the frontier, and left about the same number behind, each having left a corps in observation upon the frontier of France and the Netherlands. When they came to Paris each of them had sixty thousand men; we having a deficiency from our original number of only thirty thousand men, the Prussian Army having a deficiency of ninety thousand.

5831. You attribute the different proportions of the deficiencies in that instance to the good discipline of the one Army, and the inferior discipline of the other?—To the efficient discipline for service of our Army, and the deficient discipline for service of the Prussian Army.

5832. Have you had occasion to observe the discipline of the other Armies of Europe, such as the Austrian, the Bavarian, and the Russian; and does your Grace's experience lead to the same result with respect to all those Armies as compared with ours?—I should think so. I have never had immediate experience of the effect of the discipline of the two Armies in so striking an instance as in this case of the Prussians, where we positively took the ground which they had been obliged to leave, and could not live in any longer; and lived in that from that time forward, and the people returned to their houses and supplied us with every thing we wanted, at the same time that the Prussians had been absolutely starving upon that ground. I cannot say that I have seen the same result in other Armies, because I was never engaged in a course of operations so near them.

5833. Towards the latter time of your service in the Peninsula, was corporal punishment very frequent in the Army, or more frequent than it had been in the beginning?—I cannot say that I know exactly how it was in the regiments. I rather believe it was not so frequent. I am positively certain that crime had most enormously diminished; that there was not one crime for one hundred that there were in the beginning of the time. I think my orders shew it. There was a man convicted of robbery, and I pardoned him, because the crime had become so rare. There are things of that sort that shew clearly, that by discipline, and by care and attention, the Army was brought into such a state of discipline, that every description of punishment was almost discontinued altogether.

5834. Do you conceive that the Army, when it left France from the Pyrenees, was in as efficient state for service as an Army can well be brought to?—I always thought that I could have gone anywhere and done anything with that Army. It was impossible to have a machine more highly mounted and in better order, and in a better state of discipline than that Army was. When I quitted that Army upon the Garonne, I do not think it was possible to see anything in a higher state of discipline; and I believe there was a total discontinuance of all punishment.

5835. Was it ever represented to you, or did you ever observe, that a soldier who had been corporally punished was a worse or a better soldier in the field from having received that punishment?—I never heard of it.

5836. Did you ever understand that a man was degraded by the infliction of that punishment in the eyes of his companions with whom he was serving?—No, I should not say that he was. I think they were just as good comrades as ever. I think it may affect his claim to be a non-commissioned officer in some regiments; the commanding officer may feel this man has been punished once, or if he has been punished twice in a still stronger degree, "I cannot make him a non-commissioned officer." There may be a feeling of that description; but I have myself made some, that have been punished, non-commissioned officers, and some I have made non-commissioned officers, who are at this moment officers, that I have tied up at the halberds and pardoned, and they are officers and even field officers at this moment.

5837. Then, in your judgment, those men were not degraded in the eyes of the public with whom they lived?—No, certainly not.

5838. But supposing a soldier to be punished for a degrading crime, such as theft or crime of that description, is he then degraded in the eyes of his comrades?—The crime degrades him, certainly; but I must say that you must receive that opinion with a certain degree of qualification; there is a margin even there. One of those persons that I mentioned just now, whom I had promoted to be a non-commissioned officer, and afterwards to be an officer, and if he is alive now he is a field-officer—this man was a serjeant, and he expended the company's money and deserted. Now, all that have been engaged in regimental service know that that is pretty nearly as great a crime as a man can be guilty of. That man was brought back; I had him to the halberds, but I did not punish him; he was a good man otherwise, and I pardoned him, and I afterwards made him a non-commissioned officer and afterwards I recommended him to be made an officer, and he was with the Army in the Peninsula as a field-officer. This man was led to commit the offence by women. There are things of that kind that a man may be led into, and yet he may be a very good man; and a commanding officer must exercise a judgment and a certain discretion in doing a thing of the kind. I do not mean to say that it is an example to be followed. There are some of those crimes for which they must be punished, although it may be in the power of the commanding officer afterwards to save the man.

5839. Did you know instances of the infliction of corporal punishment so cowing the spirit as to make a man unfit for a soldier afterwards in the field?—I never heard of such a thing.

5840. And you do not believe such a feeling to exist?—I do not.

5841. Have you served in the Colonies with a regiment?—I served at the Cape, and I served in the East Indies.

5842. Do you think that in the Colonies this system of solitary confinement and imprisonment with hard labour, which has been so much recommended, could by possibility be introduced?—I think not.

5843. In Great Britain and Ireland would it not be possible to have military prisons and

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solitary cells in the barracks, so as to get rid of a great proportion, at all events, of the corpora punishments, if not entirely?—It might be possible to build military prisons, and it might be possible to build solitary cells in the barracks, but at a great expense; and the solitary confinement I still think would not have the effect as an example of preventing crime so much as a punishment which everybody must see and feel that the man suffers from, and which it would not be very agreeable to undergo. A vast expense would attend that description of punishment and great inconvenience, on account of the number of men it would take out of the regiment constantly; and besides all that, I believe that it would not have the effect of an example.

5844. So that if the country did determine to go to the expense of building these places, and so forth, you still are very doubtful whether the expense which was gone to would be found to have produced a system as effectual as the present for preserving discipline?—Certainly not.

5845. Is it your opinion, however, that supposing those places to be built, the frequency of corporal punishment might not be diminished by these means?—It would depend, in a great degree, on the effect the measure should have in the way of example. If it should be found that solitary confinement would produce the effect, the commanding officers would use solitary confinement instead of corporal punishment; but if it did not produce the effect, of course they must have recourse to corporal punishment, supposing that the law allowed that it should be inflicted.

5846. Supposing the effect of those punishments was such that it was thought that corporal punishment might, without danger, be abolished in England, would it be possible to form such a military code as that corporal punishment should be permitted upon service and in the Colonies, and entirely prohibited in Great Britain and Ireland?—I think it would be possible to form such a code, but I do not think it would be advisable, for this reason, that the great object of those commanding His Majesty's troops, and of the officers at the head of His Majesty's Army, has invariably been to consider and represent service abroad as an honour and an advantage,—not one service abroad only, but every service abroad,—and it would be a very unfortunate circumstance if a punishment, pronounced by the Government and Parliament to be an improper punishment, should be inflicted upon those who are to perform the service abroad, which it has been the object and duty of those at the head of the Army to represent as a service of honour and advantage. Now, I have gone so far upon this subject of considering service abroad as an advantage, that I can mention more than one instance in which, when regiments have misbehaved, and it has been proposed to send them abroad, I have said, "No, by no means; do anything rather than that," because when you send a regiment abroad you must represent it, and you must endeavour to have it felt as being an honour, and particularly in time of war. If it should ever unfortunately be deemed anything like a disgrace, it would be the greatest misfortune that could happen to the Army and to the public.

5847. Would it not be exceedingly prejudicial to the discipline of a regiment, if it was known to the soldiers of that regiment that during their remaining in Great Britain and Ireland they were not subject to corporal punishment, but that from the moment they set their foot on board ship to proceed either to the Colonies or to actual service, they would then become subject to a punishment which had been considered so degrading in England as to be abolished?—I should think so; but there is one thing which should always be borne in mind, and that is, that in reality the Army think but little of this punishment. If it was abolished entirely in England, and kept up in the Colonies, the effect would be very injurious. Going to the Colonies, say what we will, is never very agreeable. We consider it and represent it a matter of honour—we are going abroad—and there is among the commanding and other officers of the regiment a desire that it should be reckoned a good thing. But if it was to be attended by corporal punishment being revived, having been put down in England and in Ireland, I do not mean to say that there might not be an additional motive for feeling an objection to go, and that there might not be some instances of mutiny and difficulty in getting the soldier abroad, from the fear of having, or under the pretext of the fear of having, this punishment inflicted.

5848. So that supposing those prisons, and so forth, which have been alluded to, were to be established in these islands, the same expense to provide the means of carrying those punishments into execution must be incurred in all the Colonies?—Yes.

5849. And still there would remain service in the field to which that regulation could not be made to apply?—Certainly.

5850. It has been suggested to the Commission that a system of ensuring a certain number of officers' commissions to the privates and non-commissioned officers of the Army, would be a means of inducing persons of a more respectable class of life to enter into the Army; is that your Grace's opinion?—That is more a civil and political question than it is a military one. I should say, very possibly some young men in the country might. I believe now there is a great want of employment for young men of education in the country, and some young men in the country might be induced to enlist as privates, with a view to obtain commissions; but at the same time, I beg the Commission to observe there are here the Life Guards, the Horse Guards, who are called gentlemen of the Life Guards and Horse Guards; and I believe that they do not get many of that class of men among them, even though they are gentlemen, and they have a certain chance from that circumstance. It is possible, I think, that you might get a few gentleman to come into the service, a few persons of better education and of a better description, but I do not think in large numbers.

5851. You do not think it would be a sufficient inducement to enable you to count upon the class of men who compose the Army being raised in station?—No, I should think not. The real truth is, there are very few commissions to be given away. The general commanding in chief would be able to state more of this than I can, but I believe that he would tell you that the number of commissions he has is scarcely sufficient to enable him to provide for those

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well reported of from the Military College; at the present moment, I do not believe he has a sufficient number to provide for all those well reported of in their studies at Sandhurst. Now, if that is the case, although thirty or forty commissions a-year might be to be given in this way, it would hardly produce any effect upon the number in the Army.

5852. In point of fact, did you recommend many persons for commissions, during the service in the Peninsula?—A great number; it is a circumstance that I have not attended to a great deal, but I should wish that that point should be investigated. I believe that in the Peninsula I gave every commission I had to give away either to gentlemen volunteers with the Army, or to non-commissioned officers. I gave commissions to a great number of non-commissioned officers, and those that were not given away to non-commissioned officers were given away to volunteers serving with the Army at the time. I gave none in this country at all.

5853. With respect to those non-commissioned officers that were so raised to the rank of officers, have they generally remained in the Army, or have they retired?—A great number have retired. In truth, they do not make good officers; it does not answer. They are brought into society to the manners of which they are not accustomed; they cannot bear being at all heated with wine or liquor. I have known them when I was serving in the ranks of the Army, and I think, in general, they are quarrelsome, they are addicted to quarrel a little in their cups, and they are not persons that can be borne in the society of the officers of the Army; they are men of different manners altogether.

5854. Does that make them feel uncomfortable in the new situation in which they are placed?—I think so—punctilious and uncomfortable. There are very few indeed that stay any time, or that ever rise beyond the subaltern ranks of the Army.

5855. Are they generally of the same age as those persons with whom they are to mix, the other subalterns in the regiment?—Generally older.

5856. And that makes their situation still more difficult and unpleasant?—Still more so.

5857. Do they find any difficulty in providing the means for their own equipment, and their living afterwards?—I think, in general, they can do that pretty well. They live upon their pay if they have saved any little money. In general, there is care taken to assist them, when they are promoted, in providing their clothes and their equipment, and I think that in that respect they are well off; but they cannot live in the society of gentlemen, they are not accustomed to the manners of gentlemen.

5858. But they can live better upon their pay and so forth when upon service, than they can in garrison at home?—I should think so.

5859. Since the peace, have there been a considerable number of commissions of adjutants and quartermasters given to non-commissioned officers in the Army?—I cannot speak to this so much since the peace, for I was only in command of the Army a couple of years, and at that time we gave some; but I think, in general, the wish of the commanding officers of regiments is to get an officer that has purchased regularly into the service; he is a gentleman of education, and he manages much better than those non-commissioned officers.

5860. In foreign Armies, for instance the French, you are aware that a certain number of commissions in every regiment are devoted to non-commissioned officers and soldiers?—Yes.

5861. Do those non-commissioned officers and soldiers who have got those commissions, live at the mess with the rest of the officers, or do they live separately, and do they break off all connection with the soldiers with whom they had been comrades heretofore?—From what I have mentioned already respecting the constitution of the French Army being levied by conscription, and there being men of all classes of society in the ranks, it stands to reason that there must be men of all classes of society in the ranks of the officers likewise, and I have seen, as I mentioned before, in my own guard, an officer playing at billiards with the drummer of the guard, and even with privates of the guard, in my own room, although this officer dined with me, by the bye, every day; but he was amusing himself all the morning playing at billiards with the men, which we never hear of in the British Army. And, of course, when some of those soldiers come to be promoted to be officers, they live with the others who have been promoted before, and I believe that that class of men all live together. They very often do not mess together; they mess in threes or fours in some of the French regiments. Sometimes, I believe, they mess together as we do, but in some cases I believe they do not do so, and then of course the men live according to their habits and manners together, as people do in clubs here, and in other societies in England. But I rather believe that this regulation of the French Army, which grants to soldiers and non-commissioned officers commissions, has not prevented the man of education, and manners, and information from rising; I believe that that sort of person has been the man selected in general, for they select for those commissions, but they select from the ranks, and they generally take the man of family, of education, and manners in preference to a mere non-commissioned officer, and that is one of the great difficulties of the French Army at the present moment, that there is, as I understand, throughout the French Army, a very strong non-commissioned officers' party, which creates great uneasiness to the Government, and has a considerable influence in the regiments as against the power and influence of the officers.

5862. Supposing such a system could be established in the British Army, and that the officers, instead of messing together, lived more with the men than they do at present, do you think the discipline of the British Army, composed as it is, could be maintained?—I do not think it could.

5863. For instance, supposing such a circumstance took place in a guard of the British Army, as you stated to have taken place in the guard of honour attending upon you, of the French Army, do you think such a circumstance as that could happen, and the discipline of the Army be maintained?—It is quite out of the question.

5864. Then are the Commissioners to conclude that the relation between the French soldier

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and his officer is an entirely different one from that between the English soldier and the English officer?—Quite different.

5865. Is that the case also in the Prussian Army?—The Prussian Army rise very much in the same way; indeed I am not quite sure that all the commissions do not go among the non-commissioned officers and soldiers, but then the partiality of the selection is still greater. I believe that the gentleman and the man of education is taken more frequently even than he is in the French service.

5866. Has your Grace ever turned in your mind whether there might not be a system of rewards, either of honours or of increase of pay, that might tend to maintain the discipline of the Army, and thereby render corporal punishment less frequent?—With respect to a system of reward, I should be very sorry that it should be supposed that the British soldier was not sensible of rewards and honours to him. I think he is; but, at the same time, it must not be supposed that those rewards and honours would prevent a great deal of irregularity and crime which must be prevented. You could not expect it, at least without such an expense and such a profusion of rewards as would be absolutely out of the question.

5867. Does your Grace see any objection to making the experiment of an order of merit in the Army, which shall extend from the private soldiers up to the highest rank; first for gallantry in the field, and secondly for good behaviour?—No, I should see no objection; on the contrary, I am certain it would produce a good effect; and it has been tried. I have known it exist in several regiments. I never had it in any regiment under my immediate command. In the 33d regiment it never existed, and therefore I could not exactly say what the effect was, but I am sure that the soldier is as sensible of such a reward, and of his merits being considered, as any other individual is. But, at the same time, it must not be supposed that there would not still be a great deal of irregularity and disorder.

5868. But as an assistant to discipline you would think it desirable?—Certainly.

5869. Have you ever considered how far the giving greater facilities to the soldiers when in quarters, in the way of games and recreations of different sorts, might tend to take them out of those habits of drunkenness and vice in which they indulge?—Everything that can tend to amuse them and employ them is good. In the East Indies we do all we can to amuse and employ them, and to occupy their time. At the same time you must never forget that irregularity comes after all; but everything of that sort is of advantage.

5870. With regard to pensions, can you suggest any alteration with respect to pensions that might be an inducement either to a better class of persons to enter the Army, or that, when in the Army, the forfeiture of those pensions should be a still more powerful means of promoting discipline?—I should think that the great thing of all about pensions is to keep faith. There have been different changes of pensions, and claims have been admitted and not admitted, and so on. I should say that the great thing is to keep faith; and I think that whenever there is an opportunity of introducing the forfeiture of a pension—but that goes into a very large question—but whenever it is possible to introduce a forfeiture of pension upon a crime, it would be a good thing to do it. But I do not think still that that would preclude the necessity of having recourse to those punishments at times. I should say also that in some of the barracks, for instance some of the barracks in London, and likewise in some of the large garrisons, it might be possible to put them under stoppages when they have been in confinement during the period of their confinement. That might render confinement a stronger punishment. For instance, that when a man is in confinement he shall forfeit that part of his pay that would go into his own pocket; or that when he was absent from his duty that that part of his pay should be forfeited. I think that things of that sort might have a certain effect in preventing crime, but still you must have the other punishment. This must be borne in mind, however, that one of the great offences they are guilty of is the sale of necessaries, and that the very moment you touch the pay you immediately, to a certain degree, occasion the crime of selling necessaries. The way that I put a stop to the sale of necessaries was by having them paid every day, which I did in the Peninsula. It totally put a stop to that description of offence. The man got his money every day, and his necessaries also were examined every day; and the moment that his necessaries were not complete his pay was stopped, so that he had every inducement to keep his necessaries complete, and not to sell them. Whenever you touch the pay you give occasion for that description of crime, which is the most common and the most inconvenient among the many crimes of which they can be guilty, that of selling their necessaries.

5871. Penal companies, that is to say, companies to which men who are in the habit of bad behaviour in the regiment could be sent, have been recommended to the Commission. What is your Grace's opinion upon that subject?—I never saw it in any service, and I do not very well understand how it could be adopted; I do not know how the penal company is to be kept in order.

5872. When that has been recommended, it has been proposed that the men in the regiment serving upon that station should not be liable to corporal punishment till they have been placed in a penal company; and that from the moment of their joining the penal company they should become subject to that punishment, of course being kept in a station separate from the rest of the Army?—I do not see how that punishment is to be carried into execution; I am afraid it would be found not to answer, at all events as an example. It would never be before the eyes of the men. The man is sent away to a penal company, and there punished; whereas the great object is that his suffering, whatever it is, should be in the presence of the whole; and that they should all feel—if I do this I shall be liable to punishment, not only if I do this, but if I commit any of those irregularities which I am forbidden to commit; and therefore I will not commit them.

5873. You are aware that in the Prussian Army there are two classes; that a man is originally enrolled in the first class, and that for great misconduct he is put into the second

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class, and that his dress in some respects is different; for instance, that the cockade is of a different description, and so forth. Is your Grace of opinion that that would have any effect as a mode of enforcing discipline?—I wrote a paper upon that subject some time ago, and I there stated my opinion upon it. I do not think it is applicable to the state of our service at all. I believe that in the first instance nearly every man would begin in the second class; but I must say that I do not think we have got to the bottom of that punishment in the Prussian service. I know what that punishment is. In reviewing the Prussian Army you will see, out of a regiment of a couple of thousand or three thousand men, one or two men in this situation. Now it is absolutely impossible that there should not be more than one or two who deserve to be in the second class; but I have gone down the ranks with the King of Prussia, and it is easily perceived who are the individuals. They wear feathers of a certain colour, and all the others wear white feathers; and I saw that one man, or perhaps two, in a regiment might be so marked. I must say that I have known enough of the Prussian Army to be quite certain that there were many more men who deserved to be in the second class than those two; therefore I think there must be more in it than we are informed of. But I am quite certain that it would not answer for our service. When the men first enter into our Army they would be put into the second class at once.

5874. There has been a constant change in the power left to commanding officers with respect to punishments and to trials, and there has been a diminution in the power of regimental courts martial with respect to punishments, and so forth; are you of opinion that the commanding officer's power has been too much abridged, or that those regulations are correct?—I would go very far back. As far back as thirty years ago there was a very important alteration made, which I do not think was a desirable alteration either for the soldiers or the discipline of the Army, which was swearing courts martial,—swearing the witnesses, and swearing the members, and so on. I think it made a very important alteration. It altered the court from what it was before, a court of discipline and honour, into a court with regular evidence, and a great deal of perjury; the proof of crime being exceedingly difficult, instead of being in the hands of the commanding officer, for which the commanding officer was in a great degree responsible. That alteration was made while I was in the service as commanding officer of a regiment. Then I think that every alteration that has been made since that, which has taken away the power of the commanding officer, has rather been a disadvantage, not only to the discipline, but to the soldier himself; for I believe the soldier himself is as much interested in maintaining this discipline as the public is, for the reason I have stated.

5875. You are aware that an order was given out by Lord William Bentinck before leaving India, which abolished the infliction of corporal punishment upon the native Armies in all the three presidencies? As your Grace has been in India, the Commissioners will be glad to learn your opinion upon that subject. You will observe that the principle upon which that has been done, has been explained to the Commission as being, that it stood in the way of obtaining the best description of recruits from the native population into the Armies of those presidencies; and that the discharge from the service is in itself a sufficient punishment to preserve the discipline?—The punishment of discharge would apply, I believe, to the service in Bengal. In Bengal they have a very superior description of man for the sepoy; and they have, at least they had, very great facility in procuring the service of those men; and, indeed, I understood that, at one time, some of the regiments that had served a long time in the northern provinces in the distant stations of the Army, had a vast number of supernumeraries always following them, ready to enter. It stands to reason, therefore, that the discharge of men from these regiments would be, to a certain degree, a punishment; and a punishment that would have an effect as an example. But when you come to apply that punishment to the King's Army, to the Army of Fort St. George, or to the Army at Bombay, I should say it would be no punishment at all. The sepoy upon the coast of Coromandel, in the Army of Fort St. George, is a man of a very low caste and description in general. There are some high caste men, there are some brahmins, and men of the military classes, among them, and some Mussulmen; but none of the regiments that ever I saw were ever entirely complete in number. They all wanted men; they had none of those people following them; and therefore I should say that the discharge of men of that description would no more be considered a punishment than it would be considered a punishment in our service; on the contrary, in many cases, it would rather be considered a benefit. Then it is the same thing on the Malabar coast. I never saw a Bombay battalion at all complete in its numbers; they generally want 100 men or 150 men, and it is very difficult to get recruits; and a discharge would be desirable rather than otherwise. So that you must not consider this question solely with reference to the presidency of Bengal; but when you come to apply it to the Army of Fort St. George, which was the efficient acting Army, and the Army of Bombay, it will not apply at all.

5876. Does your Grace think that dismissal from the service would be an effectual substitute for corporal punishment in the Army of Bengal?—It always wants, to a great degree, the effect of example; but it would be a more effectual means in the Army of Bengal than in the other two presidencies, as I rather believe they used to have a number of men always following them, ready and desirous of enlisting.

5877. And the soldier is of a better description?—The soldier is a man of high caste; he is a man of large size, a high caste man, and generally a man of the military class.

5878. Upon a view of the Madras soldier and of the Bengal soldier together, should not you say there is a superiority in the very look of the Bengal soldier?—Yes; he is quite a superior description of man.

5879. In your Grace's time in India were there any grants of land given to the private soldiers in the Bengal Army for having served a certain time?—There is a pension fund.

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5880. Was there not, at a former period, also land granted?—I rather believe that instead of the pension they were settled upon certain lands.

5881. Therefore the loss of that was part of the punishment of dismissal?—Yes, the loss of that.

5882. What, in your opinion, will be the effect of abolishing corporal punishment in the native Army, as a degrading punishment, and still retaining it in the European part of the Company's Army, and in the King's troops in India, upon the discipline of those latter troops?—I do not think they will inquire much about it. What they call among them an attorney may now and then make some noise about it; but I do not think the troops in general will. The truth is that the King's troops in the East Indies are in a very peculiar situation; they are generally in barracks by themselves, excepting when they are assembled in the field; they have not a great deal of intercourse with the natives. Sometimes there may be a native battalion in cantonments with them; but they have not a great deal of intercourse with the native troops. They are kept very much separate.

5883. So that you do not fear much bad effect from that?—No. There may be, here and there, a question about it; but I do not think it will have any effect in general, they are so far asunder; the Europeans are generally in cantonments alone. If they are in any place with the natives, there is generally only one native battalion, or something of that sort.

[*His Grace withdrew.*]

Captain *Lothian Dickson* was examined as follows:

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5884. What rank have you served in in the British Army?—A captain in the 25th, and am now on half-pay of that rank.

5885. Since that you have been serving in Colonel Evans's corps in Spain?—I have.

5886. What command had you in that corps?—I was lieutenant-colonel of the 7th regiment (one of the Irish battalions).

5887. Where was that battalion raised?—In Dublin.

5888. At what time did you embark with it?—In July last, about the 25th of that month. I arrived at Santander at the end of July.

5889. How long did you remain at Santander?—About five weeks.

5890. What other regiments arrived there?—Mine was the first regiment that arrived there. Part of the 3d regiment afterwards arrived, and part of the 9th.

5891. Were these Irish also?—The 9th were Irish, and the 3d were raised about Westminster.

5892. You commanded the 7th regiment?—I did.

5893. How were you quartered at Santander?—About three miles from the town of Santander, in a convent.

5894. By yourself or with the other two regiments?—First of all by ourselves, about ten days or a fortnight; and then the drafts came out for the other regiments.

5895. During the time you were in that situation were you obliged to have recourse to corporal punishment?—Previous to General Evans's arrival I was obliged to have recourse to corporal punishment upon two or three men.

5896. How early after your disembarkation did you find it necessary to have recourse to corporal punishment?—About a week after my arrival at Santander I found it necessary to punish the first man corporally by regimental court martial.

5897. Subsequently to that did the infliction of corporal punishment by regimental court martial increase in the regiment?—There was not a great deal by regimental court martial; it was principally done by the provost; a serjeant, and a drummer, of which the provost consisted, used to move about the town and take up the stragglers, and the men that were dirty or drunk.

5898. You were obliged to have recourse to it in consequence of the irregularity of the men?—Yes.

5899. Did you previously try other minor punishments?—There were no means of resorting to any other punishment. We had no places of confinement for them, except one large guard-room, which became so full that we were obliged to let them out again. There was great confusion for some time after our arrival in consequence of the men having their bounty. The men got out of the convent and went into the town.

5900. Where did you go to when you left Santander?—We went to St. Sebastian about five weeks after.

5901. By that time had the bounty-money diminished?—The bounty-money was all gone before we left Santander.

5902. After your removal to St. Sebastian did you find the discipline of the regiment better?—Much better after the bounty-money was spent; but still the provost system went on. Eight or ten men in a morning had a couple of dozen lashes each.

5903. Were there any courts martial?—Very seldom. I could not say how many happened in other regiments, but I should think the same as in my own—about ten or fifteen in the course of the seven months.

5904. Were those courts martial confirmed by the lieutenant-general?—They were regimental courts martial, and confirmed by the commanding officers of regiments.

5905. Were there any district courts martial?—Yes; there were some for cases of great misconduct, and where men had drawn their bayonets and stabbed each other. These courts martial were confirmed by the lieutenant-general.

5906. Were those district courts martial allowed by the lieutenant-general?—They were.

5907. Did they sentence the persons tried to corporal punishment?—They did, generally.

5908. Were those punishments inflicted?—They were.

5909. Can you mention, in any particular instance, to what extent corporal punishment was carried with respect to the number of lashes?—I think never more than three hundred were inflicted, and that was in consequence of the man having stabbed another. There were two engaged in the affair: one was transported to the galleys, and the other received three hundred lashes. That was by a district court martial.

5910. Was that allowed by the lieutenant-general?—Yes: this happened at Bilbao.

5911. By those means was a pretty good discipline established in the regiment?—Yes; latterly the flogging did not continue so much; but still a great many men were punished up to the latest day, in consequence of their not cleaning themselves. Numbers of men were called out when found dirty, and, instead of a day's confinement, were punished by the provost.

5912. Was this punishment of the lash more frequent in the Irish regiments than in the British?—I should think it was.

5913. But it was not unfrequent in the English?—I should think there was very little difference. The 7th, 9th, and 10th regiments were Irish; and, I think, in the 9th and 10th regiments there was more flogging than in mine; but not much difference between the English and Irish.

5914. Has the offence of selling necessaries been very frequent among them?—Very frequent indeed.

5915. You removed afterwards from Bilbao to Vittoria?—Yes; a very long march—upwards of twenty days.

5916. Did the men carry their knapsacks, and so forth?—They did part of the way; a great many of them threw their knapsacks off, and they were left upon the road. A good many of them sold their necessaries on the march, and they were very incomplete when they arrived at Vittoria.

5917. After you arrived at Vittoria were there many occasions for corporal punishment again?—Yes, about the same; there was the provost system going on: it prevented the trouble of regimental courts martial.

5918. Under what article of war did you prevôt the men?—The system of provost was by order of the lieutenant-general. The British Articles of War we made use of for courts martial.

5919. Could you by any means, by substitution of other punishments, have avoided the necessity of corporal punishment?—I think not—I think nothing could have answered so well: it was immediate. We had no means of putting men in confinement; they were punished, and used to fall in the ranks again, and, consequently, did not miss their drill.

5920. With respect to the system of provost—an officer was appointed called a provost-marshal?—There was one provost-marshal, a serjeant, who had been formerly in the 8th Hussars, a man of very good character; he was made provost-marshal, with the rank of ensign. Each regiment had, besides, its own provost, a serjeant and drummer, who were permanent, and a daily guard attended the provost. Those people assisted in holding the culprit, and he was flogged in the street, or in one of the houses, or in the convents.

5921. Was there any general feeling among the men that corporal punishment had been resorted to too indiscriminately?—No, I think not; there was a little murmuring at first at Santander, when I punished the first man, but after that no murmuring was evinced by the men.

5922. Upon what ground did they murmur; was it at the infliction of that punishment, or at the infliction of the punishment in that particular corps?—In one company there were several bad characters, and this man was one of the worst, and he committed a serious offence, struck a serjeant and abused an officer, and I immediately had a court martial and flogged him. This was four or five days after my arrival. The companies were formed in the convent, and he was tied to some of the arm-chests. One of the companies was rather mutinous, but no man attempted a rescue, or anything of that kind, and the punishment was inflicted, and afterwards I had no difficulty. That was the only time that they made any murmur.

5923. Had it the effect of stopping any mutinous disposition?—I did not entertain any apprehension upon that point. The men gave evidence of being partial to me, inasmuch as immediately after the punishment took place they cheered me in the barracks.

5924. Did the provost seize men in the streets for being dirty, and punish them?—Men that were out dirty and drunk, going into the Spaniards' houses, or in any way riotous, and that were out without a pass. There was also a garrison provost, which was immediately under the provost-marshal. That was permanent. That was generally the sixth best man, changed according as the staff chose to appoint, and the provost-marshal used to superintend all the regimental provosts; and any men that were caught by the garrison provost were sent to their own regimental provosts to be punished, if their commanding officers thought fit.

5925. Had you any shooting, or any punishment of that description?—Not any; there was one man sentenced to the galleys for having stabbed another.

5926. Where were the galleys to which he was sent?—He was sentenced to the galleys for three years, and I do not know what became of him. I was directed to hand him over to the Spanish authorities, which I did. The man whom he stabbed died; he was one of the best men that I had.

5927. Was the provost system more effectual than the common mode of punishment in the Army?—Situated as we were, and with the description of men we had, I think nothing else would have had so good an effect.

5928. You stated that the punishments you first spoke of were inflicted prior to General Evans joining the Army—did any alteration in the system take place after his joining?—I

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arrived about three or four weeks before General Evans arrived. I had resorted to corporal punishment previous to his arrival by regimental court martial, but I had not established the provost in the regiment till the arrival of the lieutenant-general, who ordered me to do so. Mine was the first regiment that the general saw on his arrival in Spain. The men at that time had been getting out of barracks, and getting into the town of Santander, and committing excesses, which the governor had reported.

[*The witness withdrew.*]

## Appendix, No. 1.

*Military Punishment Commission,*
*9th January* 1836.

My Lord,

In pursuance of directions I received from your Lordship, previously to the adjournment of the Commission, I have endeavoured, during the last autumn, to arrange, in a tabular form, the *substance* of the opinions given by the several General and Regimental Officers in active employment, upon the points submitted to them in the Adjutant-General's Circular Letter of the 15th October, 1834, the answers to which that Officer gave into your hands; and I have now the honour to place that statement before you.

The Circular referred to, of which a copy is annexed, contained seventeen distinct questions; and the answers were required to exhibit the result of the officer's experience as to the effects of the present system of punishment, by hard labour and solitary confinement, upon the discipline of his corps, or of those bodies of men that might fall under his observation, either as an example to others or as the means of reforming individuals subjected to them; the improvements that might appear requisite to carry these punishments duly into execution, whether in prisons to be exclusively appropriated to military delinquents, in barrack-cells, or public gaols; the practicability of establishing a classification of crimes and punishments for the guidance of Courts Martial, and the best modes of preventing or punishing drunkenness; and they also involved the consideration of introducing new modes of punishment, either by fine or otherwise.

The only instructions issued with these queries were, that the whole should be answered from the deliberate conviction of the parties to whom they were addressed, "without bias, or "leaning to any preconceived theory, or any supposed opinions of superiors."

The candour that was manifested by the department at Head-Quarters, in thus circulating this paper of interrogatories, was met by a corresponding candour on the part of the several officers, and the result has been to place upon record as valuable a collection of military opinions, upon the system of secondary punishments in the Army, as could be desired. But, detached as they were, any general summary of results was almost impossible; and it was therefore suggested to your Lordship that an attempt should be made to tabulate them, so as to place under each question the opinion of each officer. A mere transcript of each opinion, under the separate question to which it applied, would of course have done this, but it was feared at too great a length to be practically useful; and the only alternative which remained, namely, that of giving the condensed substance of the answer, has been adopted. To effect this, the course I have pursued has been, by a careful perusal of the answer, to possess myself of the opinion designed to be conveyed, and then, in as concise a manner as was consistent with an expression of that opinion in its full force, to record it in its proper place.

Four of the questions, viz. the 1st, 2d, 3d, and 14th, appeared to call for statements peculiar to each corps, matters of fact, not of opinion, and it was feared that the effect of publishing these, which were in no way essential to the objects of the Commission, might be the institution of invidious comparisons between different corps. They furnished facts very fit for the consideration of the Adjutant-General and the General Commanding-in-Chief, but which were not necessary to illustrate general opinions.

Although I have, on these grounds, excluded these queries from the table, I have opened two new divisions, one for general observations, not strictly reducible under any of the questions, the other for incidental remarks on Corporal Punishment; for it was not to be expected, that when so important a subject as the discipline of the Army was, in a manner, thrown open to consideration and report, the executive and administrative officers should limit themselves, in all instances, to a mere record of their opinions upon the points submitted to them, or should refrain from urging others, which they might think essential for the maintenance of that discipline.

I have now the honour to submit the whole to your Lordship, and beg leave only to say that the work has been carefully and conscientiously performed, and that, although I have necessarily curtailed much, I have misrepresented nothing; and I persuade myself that as each individual officer, of about 215, who have replied to the Circular, will here recognize a faithful but brief transcript of his opinions, he will accord me his belief that I have done equal justice to others.

In conclusion I would merely take the liberty to remark, for the information of all, that their answers, entire and unabbreviated, are still before the chief of the department of discipline, the Adjutant-General, for consideration, and that this *précis* of them was merely taken for the purposes of this Commission.

I have the honour to be,
My Lord,
Your Lordship's most obedient humble Servant,
*George Collin,*
*Secretary.*

*The Right Hon.* Lord Wharncliffe,
*&c. &c. &c.*
*President of the Military Punishment Commission.*

*Letters from the Adjutant-General, of October, 1834, circulating the Paper of Interrogatories, the Answers to which are condensed in the following Statement:—*

SIR, *Horse Guards, October, 1834.*

I HAVE the honour to transmit to you the inclosed copy of a letter and series of Queries, which, by direction of the General Commanding-in-Chief, have been addressed to Commanding Officers of regiments and depôts. Lord Hill will be glad, at the same time, to avail himself of your sentiments on these interesting points, and to receive any suggestions which your experience may enable you to suggest on the subject.

I have the honour to be,
Sir,
Your very obedient humble Servant,
JOHN MACDONALD, A.G.

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*(Secret and confidential.)*

SIR, *Horse Guards, 15th October, 1834.*

IN transmitting to you the inclosed list of Queries, I have it in command to acquaint you, that the General Commanding-in-Chief expects your candid and unreserved sentiments on the several points referred to you, without bias or leaning to any preconceived theory, or any supposed opinions of superiors, it being Lord Hill's sole object to ascertain the authentic results of practical experience.

You will readily perceive the propriety of this communication being considered strictly private and confidential, and you will of course deal with it in every respect accordingly.

I have the honour to be,
Sir,
Your very obedient humble Servant,
*Officer Commanding.* JOHN MACDONALD, A.G.

P.S. You will be pleased to write your answers to the inclosed Queries on the opposite blank spaces left for that purpose, and return the whole to me.

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1. What was the average strength of the during the year 1833?
2. What was the number of culprits sentenced to imprisonment with hard labour during that period?
3. What number to solitary confinement?
4. What is the result of your experience, as to the effects of these punishments on the discipline of the corps? Have the men returned to their duty with better dispositions, and have they subsequently conducted themselves in an orderly and soldierlike manner, or the contrary?
5. In what light (so far as you know) have they appeared to view the punishments they had undergone, and in what terms have they represented these punishments to their comrades?
6. Have you observed the habits of the released men to be materially altered, or their health essentially affected?
7. From your own personal observation, which of the two punishments, viz. Imprisonment with Hard Labour, or Solitary Confinement, are you led to believe most efficacious and best adapted to reform the soldier, and prevent the commission of crime?
8. Do you think that any classification of cases could be established or would be useful for the guidance of Courts Martial, so as to enable them to decide to what crimes, and to what individuals, imprisonment with hard labour ought to be applied, and to what occasions solitary confinement would be more applicable? If so, detail the classification you would suggest.
9. Always bearing in mind the efficiency of the culprit as a soldier, what in your opinion is the maximum of imprisonment with hard labour that could be safely and beneficially inflicted?
10. And what of solitary confinement?
11. Have your experience and observation suggested to you any improvements that might be made in the present mode of carrying these punishments into effect?
12. Would a mixed punishment, consisting partly of imprisonment with hard labour, and partly of solitary confinement, in your opinion be preferable?
13. Do you think that military prisons, for the reception of soldiers exclusively, and conducted by civilians upon one perfectly uniform system, would possess advantages over the present mode of resorting to county gaols and public prisons? If so, in what respects.
14. Have any sentences of imprisonment with hard labour, or solitary confinement, been carried into execution at the head-quarters, under your personal superintendence? If so, state fully and distinctly the mode of proceeding in all its details.
15. Has any other mode of punishment than those now in use occurred to you as likely to be advantageously employed in maintaining discipline and good order in the army?
16. Are you enabled to suggest any means of restraining or eradicating the propensity to drunkenness so prevalent among the soldiery, and confessedly the parent of the majority of military crimes?
17. Do you think that fine, or mulct of a portion of pay, could occasionally be beneficially awarded to military delinquents, instead of imprisonment, and if so, to what amount, and in what cases?

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# SUBSTANCE

OF THE

# OPINIONS GIVEN BY THE GENERAL AND REGIMENTAL OFFICERS

IN ACTIVE EMPLOYMENT,

*Upon the Points submitted to them in the Adjutant-General's Circular of the 15th October* 1834.

| OFFICER'S NAME. | ANSWER. |
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| *Maj.-Gen. Sir C. D'Albiac* | Imprisonment with felons has lowered the character and hardened and dispirited the soldier generally. |
| *Maj.-Gen. Sir T. M'Mahon* | These punishments have failed in checking desertion. The soldier, from associating with felons in a public gaol, is a worse man. |
| *Maj.-Gen. Sir W. Cotton* | Solitary confinement has not checked desertion. |
| *Maj.-Gen. Sir H. Bouverie* | The average of Courts Martial varies very little. The same description of crimes are committed over and over again. Men talk publicly of going away on a *lark* for a fortnight or three weeks. Absence without leave has increased, men staying away to avoid the penalty for habitual drunkenness. |
| *Maj.-Gen. Hon. P. Stuart* | A certain number of profligate characters commit the same offences over and over again. A recruit, for an offence, from thoughtlessness, confined with these men, or the villains of a town, in a public gaol, must be contaminated. |
| *Maj.-Gen. Ross* | Imprisonment with felons hardens the character and renders the man reckless, and the same individuals are continually punished over and over again. |
| *Lieut.-Gen. Sir H. Vivian* | A young soldier who has perhaps been guilty of some crime arising out of drunkenness, but who is really not depraved, leaves a public prison after confinement a worse man than he entered it, from his association with felons and men of notoriously bad character. |
| *Maj.-Gen. Sir J. Douglas* | The result has been a bad one. The men have not returned with better dispositions. |
| *Maj.-Gen. Sir T. Arbuthnot* | With the young soldiers solitary confinement has had a good effect; with the hardened and incorrigible it has none. The latter are punished over and over again. |
| *Lieut.-Gen. Sir W. Houstoun* (Gibraltar) | Many have expressed contrition, and, on leaving confinement, a determination to reform. |
| *Maj.-Gen. Sir F. Ponsonby* (Malta) | Cannot speak of the effects of hard labour. Solitary confinement not an efficient punishment in reclaiming defaulters, nor an example to others. |
| *Maj.-Gen. Sir Lionel Smith* (West Indies) | Imprisonment with hard labour has not improved the dispositions of the men, and does not deter from the commission of offences. Solitary confinement they view with greater dread. |
| *Maj.-Gen. Sir C. Smyth* (Demerara) | Both these punishments are advantageous to the service. Many men have been reformed by these punishments, who, had they been flogged, would have become desperate and abandoned characters. |
| *Maj.-Gen. Sir C. Campbell* (Nova Scotia) | The result has not been satisfactory. Men who have been subjected to imprisonment with hard labour, so far from returning with improved dispositions, not unfreqently subject themselves to a repetition of it within a very few days of their release. |
| *Maj.-Gen. Sir A. Norcott* (Jamaica) | These punishments are efficient when they can be carried into rigid execution; but, as at present exercised in public gaols, there are very few instances where men, returned from hard labour, have conducted themselves better. Indifferent and bad soldiers would almost rather undergo such a punishment than perform their duties. From solitary confinement men have returned with improved dispositions, and have subsequently conducted themselves in an orderly and soldierlike manner. |
| *Col. Arthur* (Van Diemen's Land) | After much consideration of this question, is not prepared to offer an opinion that would entirely satisfy his own mind. He speaks of a regiment which has left the station, and is now in India serving with a high reputation as to discipline. But in this corps, while it was in Van Diemen's Land, he did not find that the men who had been punished returned to their duty with better dispositions, neither was their conduct more orderly. It is his opinion that no mere punishment will give a man a clearer moral perception, nor imbue his mind with a love of rectitude; it only excites a fear of offending. |
| *Col. Lygon, 1st Life Guards* | They have a salutary effect as far as example goes. |
| *Col. Lygon, 2d Life Guards* | The punishment awarded (solitary confinement) has had a good effect. |
| *Col. Hill, Rl. Horse Guards* | As an example, they have had a good effect, and in some instances men have returned to duty much inproved in their habits. |
| *Col. Sir G. Teasdale, 1st Dn. Gds.* | Very few have conducted themselves better. Several have been imprisoned three and four times each. |
| *Maj. Kearney, 2d Dn. Gds.* | Determined bad characters have in no way improved. Some few not of bad character have afterwards conducted themselves well. |
| *Lt.-Col. Story, 3d Dn. Gds.* | These punishments are not of a nature to uphold discipline. The men have not returned with better dispositions. |
| *Lt.-Col. Chatterton, 4th Dn. Gds.* | These punishments have not tended to improve discipline. The men have not returned from confinement improved in their conduct, but rather the reverse. |
| *Maj. Scarlett, 5th Dn. Gds.* | Very few have improved. Instances have occurred of men committing the same crime within twelve hours after their release from a long imprisonment. |
| *Lt.-Col. Wildman, 6th Dn. Gds.* | These punishments good for minor offences. In some instances the men have returned with better feelings, and conducted themselves with propriety, but not so generally. |
| *Lt.-Col. Clark, 7th Dn. Gds.* | These punishments have not had any beneficial effect on the discipline of the corps. The men have not returned with better dispositions, but rather the contrary. One man, indeed, had been imprisoned four times within thirteen months. |
| *Lt.-Col. Somerset, 1st Dns.* | The discipline of the corps not improved by these punishments. In fact, the men have become annually more and more insubordinate and indifferent to the authority of non-commissioned officers. |
| *Maj. Wyndham, 2d Dns.* | Neither of these punishments have had any effect to maintain discipline. The men have generally returned from gaols with worse dispositions, from mixing with the inmates of those gaols. |
| *Lt.-Col. Stisted, 3d Lt. Dns.* | No alteration has been observed in the conduct of the men. The general discipline of the regiment has remained as usual. |
| *Lt.-Col. Fendall, 4th Lt. Dns.* (Bombay) | No instances of imprisonment with hard labour for many years. Two who were so imprisoned in a public gaol returned worse soldiers. The results of solitary confinement satisfactory. |
| *Col. Madox, 6th Dns.* | These punishments have generally a beneficial effect. There are some men, however, who have not improved so much as could be wished. |
| *Lt.-Col. Hill, 7th Lt. Dns.* | These punishments have not a beneficial effect in checking crime in others, or in reforming individuals. The dispositions of the men not improved after their return. |

| OFFICER'S NAME. | ANSWER. |
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| *Lt.-Col. Molyneux, 8th Lt. Dns.* | These punishments have not had a good effect when carried into execution in public gaols. In some cases of imprisonment for insubordination the men have returned decidedly improved, but very little improvement is apparent in those committed for drunkenness, who form the large majority of offenders. |
| *Lt.-Col. Campbell, 9th Lt. Dns.* | A man sentenced to imprisonment with hard labour returned to duty better disposed; but he was subsequently tried by Court-Martial, and received corporal punishment, since which he has much improved. |
| *Lt.-Col. Lord T. Cecil, 10th Lt. Dns.* | They do not tend to improve discipline, because the punishment is not carried into effect under the eyes of the soldiers. Solitary confinement has for a time improved the disposition of the men: imprisonment with hard labour in a gaol has not done so. |
| *Lt.-Col. Brutton, 11th Lt. Dns.* (Bengal) | Very few have returned from confinement improved; but hardened characters only are those brought to Court-Martial. Such conduct is reprobated by the corps, and confined to twenty or thirty incorrigible individuals. |
| *Lt.-Col. Stawell, 12th Lt. Dns.* | On the whole, the result has been beneficial when the punishments have been properly inflicted; but governors of gaols are too much disposed to treat soldiers with indulgence. |
| *Lt.-Col. Townsend, 14th Lt. Dns.* | Those sentenced to hard labour were incorrigible men, and have since left the regiment. Of those who have suffered solitary confinement a large proportion have improved. |
| *Lt.-Col. Badcock, 15th Lt. Dns.* | One out of nine has improved from hard labour, seven out of eighteen from solitary confinement. |
| *Lt.-Col. Lord Bingham, 17th Lt. Dns.* | Solitary confinement in present barrack-cells of little effect. When sentences of hard labour are strictly enforced improvement has occurred. The system of Wakefield gaol efficacious. |
| *Col. Sir J. Woodford, Gren. Gds.* | These punishments tend to repress crime. In general the men conduct themselves better for a time after their return to duty. |
| *Col. Fremantle, Colds. Gds.* | There are few instances of reformation; on the contrary, the culprit frequently returns to prison for a repetition of the offence. |
| *Col. Keate, Scots Fus. Gds.* | These punishments are no example to the regiment, nor calculated to make any lasting impression on the soldier's mind. Men returning from associating with felons in a public gaol cannot return with better dispositions. |
| *Lt.-Col. Carter, 1st Batt. 1st Foot* (West Indies) | They have operated as an example, and are so far favourable to discipline, but the dispositions of the defaulters on their returning to duty were certainly not improved. |
| *Lt.-Col. Wetherall, 2d Batt. 1st Foot* | Imprisonment with hard labour, as at present inflicted in public gaols, tends to demoralize the men, and many of previously good dispositions have returned to their regiments with vices acquired of which they were before ignorant. The effect of solitary confinement has been different. The men have generally returned with better dispositions. |
| *Maj. Deuchar, Depot, 1st Ft.* | These punishments tend to improve discipline, with the exception of a few incorrigible men. |
| *Capt. Jackson, 2d Foot.* (Bombay) | The effect has been beneficial—many men have reformed. |
| *Lt.-Col. Breton, 4th Foot* (New South Wales) | Hard labour, as inflicted in New South Wales, is utterly ruinous to the discipline of a regiment, the soldier being compelled, either in the hulks or at Norfolk Island, to herd with the greatest villains possible. At the expiration of a term at Norfolk Island the man should be discharged the service. Approves of solitary confinement. |
| *Lt.-Col. Sutherland, 5th Foot* (Mediterranean) | These punishments have not benefitted the discipline of the corps. The men's behaviour after their return, with one exception, which can be traced to other causes, as bad if not worse than ever. |
| *Maj. Lord C. Wellesley, Depot, 5th Foot* | One punished with hard labour had twice, in the previous year, suffered solitary confinement. Several others had been punished by solitary confinement two or three times. |
| *Lt.-Col. Farquharson, 7th Ft.* (Mediterranean) | These punishments have but little effect on hardened characters, a certain number of whom are in every corps, and impede its discipline. |
| *Maj. Lord W. Thynne, Depot, 7th Foot* | Generally speaking, these punishments have been attended with good effect, in reforming the conduct of some and deterring others, except in the case of hardened offenders. |
| *Lt.-Col. Cathcart, 8th Foot* (Jamaica) | Has known but few instances in which the individual punished has reformed; but is of opinion that solitary confinement in barrack-cells has operated as an example, when the man has taken his solitary exercise in front of his cell, on which his name and offence were painted. |
| *Capt. Machen, Depot, 8th Foot.* | These punishments have had a beneficial effect on discipline, although in some instances the men have not returned to their duty with better dispositions. |
| *Maj. Champain, Depot, 9th Foot.* | These punishments have had the best effect upon the discipline of the depot, crime having much decreased. The men, with few exceptions, have much improved and conducted themselves better. |
| *Lt.-Col. Freer, 10th Foot* (Mediterranean) | These punishments have not tended to improve discipline. Men returning to their duty have, in many instances, marked their release by drunkenness the very day of their return. |
| *Maj. Allen, Depot, 10th Foot.* | Some few instances of reformation and subsequent good conduct have occurred, but the majority of crimes are committed by the same individuals over and over again, men of bad dispositions. |
| *Maj. Derinzy, 11th Foot.* (Mediterranean) | These punishments are not only efficacious, but indispensable in maintaining discipline. In general men return with amended dispositions, with the exception of a few incorrigibles. |
| *Lt.-Col Bisshopp, Depot, 11th Foot.* | Out of eighteen subjected to these punishments in 1833, one only has been tried a second time, and he a man of bad character. |
| *Lt.-Col. Turbervill, 12th Foot.* | With certain dispositions these punishments have had the desired effect, but with incorrigible characters they have not. |
| *Lt.-Col. Sale, 13th Foot* (Bengal) | Solitary confinement an excellent punishment, and, when strictly enforced, conducive to discipline. Some men have returned with better dispositions, but the generality of the culprits are incorrigible. |
| *Lt.-Col. Everard, 14th Foot* | The very worst effects have resulted from these punishments, when inflicted in common gaols, the men returning infinitely worse in disposition, and frequently committing crimes of a more heinous nature, thereby proving the little effect produced by past punishment, and a total indifference to future punishment. |
| *Lt.-Col. Horton, 15th Foot* (Canada) | The men in general return from solitary confinement with better dispositions, and for some time at least conduct themselves with more propriety. |
| *Maj. Drought, Depot, 15th Ft.* | Has no hesitation in saying, that the men have returned to their duty with a willingness and |

| OFFICER'S NAME. | ANSWER. |
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| | an evident desire to be considered as reclaimed. In deserters he has not found the same reformation. |
| *Lt.-Col. Campbell*, 16*th Foot* (Bengal) | Hard labour in the house of correction at Calcutta and the gaol at Hooghly was tried, but the system was not good. Solitary confinement in the regimental cells had a much better effect, and the discipline of the corps was fully preserved, without having much recourse to corporal punishment, of which there was only one instance in the year. |
| *Lt.-Col. Despard*, 17*th Foot* (New South Wales) | Imprisonment, with hard labour, in New South Wales, from the associations they form in prison, or on board hulks, has invariably made the men worse. Of three sentenced to hard labour in 1833 two were transported as felons in less than six months after their return; and the third was brought to a general Court-Martial in a fortnight. Solitary confinement has had a good effect in many instances. |
| *Col. Burrell*, 18*th Foot* | The general result of these punishments favourable to discipline, as far as regards young soldiers; on the old they make but a temporary impression. |
| *Lt.-Col. Hardy*, 19*th Foot* (West Indies) | The greater number of those sentenced to these punishments have evinced no improvement of conduct, but indifference to their former punishments. |
| *Maj. Raper, Depot*, 19*th Ft.* | Does not think any effect is observable on the discipline of the depot. Some have improved, others have continued as indifferent characters as before. |
| *Lt.-Col. Leahy*, 21*st Foot* (New South Wales) | These punishments do not materially tend to improve discipline, as the men suffering the punishments are of necessity removed from the observation of their brother soldiers. They are generally the first to commit crime on their return to their duty. |
| *Captain Keappock*, 22*d Foot* (Jamaica) | These punishments are little regarded by the badly-disposed men. Some have returned to their duty improved; but in others the contrary has been the result. |
| *Maj. Pennefather, Depot*, 22*d Foot* | Imprisonment, as a military punishment, is deficient in two points, personal degradation and example to others, but chiefly the latter; still the soldiers consider the hard labour a severe punishment, and as such it must be beneficial to discipline, but he does not find that it has produced reformation on the individuals. |
| *Lt.-Col. Harrison*, 23*d Foot* (Gibraltar) | The class of men prone to military crime are in a very small degree deterred by these punishments on the contrary, some have been confined again within forty-eight hours for the same offence. Those having a propensity to be insubordinate and disrespectful to superiors, and they are very common in the service, have quite a contempt for the punishment of confinement. |
| *Major Ross, Depot*, 23*d Foot* | These punishments have prevented a repetition of crime in those who have undergone them, but they have not deterred others. |
| *Colonel Tidy*, 24*th Foot* (Canada) | Has found a decrease of crime in the regiment, and several so punished have become better soldiers. |
| *Major Kelly, Depot*, 24*th Ft.* | Men of decidedly bad character have not altered for the better from these punishments. |
| *Major Young*, 25*th Foot* (Demerara) | Generally speaking, these punishments have not been successful, but arising chiefly from the want of sufficient means to carry them into effect. |
| *Maj. Priestley, Depot*, 25*th Foot* | The effects have been most salutary, as he has not seen the regiment nor depot in a higher state of discipline during the fourteen years he has served in it. Four of the men returned to their duty with better dispositions, and their subsequent conduct has been orderly; and of the others who had been in confinement (seven altogether) only one was reported for misconduct. |
| *Lt.-Col. Oglander*, 26*th Foot* (Bengal) | Hard labour is scarcely practicable in India, and solitary confinement, in the strict sense of the term, can only be carried into effect in a few stations. His observations will apply, therefore, only to simple imprisonment. In three out of five men subjected to it there has been an improvement, but not a reformation; one has since been transported, and the fifth is generally a well conducted man, as he was before. |
| *Lt.-Col. Hare*, 27*th Foot* | Is decidedly of opinion, that these punishments have improved the discipline of the corps. The men have returned with better dispositions, with the exception of the most hardened characters. |
| *Major French*, 28*th Foot* | No decided improvement has taken place in the discipline of the corps, and the punishments have not made the impression they ought on good soldiers. |
| *Lt.-Col. Simpson*, 29*th Foot* (Mauritius) | Two sentenced to hard labour have not improved since. Those who have undergone solitary confinement have been better conducted. |
| *Maj. Walter, Depot*, 29*th Ft.* | These punishments have had a good effect. In every instance the men have returned with better dispositions. In only two cases has it been necessary to resort to this mode of punishment again. |
| *Lt.-Col. Robinson*, 30*th Foot* (Bermuda) | Imprisonment with hard labour has not produced any beneficial results, either on the discipline of the corps or in the dispositions of the men subjected to it; but it was chiefly inflicted in gaols in Ireland, where the soldier would be associated with the worst characters of a country, where the lower orders systematically oppose the laws and sympathize with criminals. Solitary confinement appears to have done some good in a few instances. Many bad soldiers have become good ones from marriage. |
| *Major Ormond, Depot*, 30*th Foot* | No good has been derived from these punishments. |
| *Major Wingfield*, 32*d Foot* (Canada) | These punishments have been sufficient to maintain discipline, but there is less alacrity on the part of the soldier to do his duty than there formerly was. The men have not improved, and it is not fear of the punishment, but extreme care that prevents their relapsing into drunkenness when they have any balance of pay. Courts-Martial should not be resorted to so frequently; they lose their terrors; but commanding officers should be invested with more discretionary powers. |
| *Major Palk, Depot*, 32*d Foot* | These punishments have not been so conducive to the improvement of the discipline of the army as could be wished. If imprisonment with hard labour were carried on before the eyes of the men it would have a very good effect. Men have not returned with better dispositions, but rather the contrary. |
| *Lt.-Col. Knight*, 33*d Foot* | These punishments have not had any beneficial effect. Few, if any of the men, have returned with better dispositions, but many with worse. |
| *Lt.-Col. Fane*, 34*th Foot* (New Brunswick) | These punishments are generally sufficient, the men being aware that, in case of necessity, recourse can be had to corporal punishment. If that were abolished, these punishments would not be sufficient. |

| OFFICER'S NAME. | ANSWER. |
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| *Capt. Brisbane, Depot, 34th Foot* | The prison discipline in the towns in Ireland, where the depot was quartered in 1833, was lax, and there was no means of hard labour, and the men did not return with better dispositions to their duty. |
| *Lt.-Col. Goldie, 35th Foot* | The effect of these punishments has not produced much good on the discipline of the corps. The men's conduct has generally been worse on release, but something of this may be attributable to the fact, that on the stations where the regiment has been, in 1833, solitary confinement could not be rigidly carried into effect. |
| *Major Cairnes, 36th Foot* (West Indies) | There is little or no amendment in the conduct of the men subjected to these punishments. They are generally men of general bad characters. |
| *Capt. Hare, Depot, 36th Foot* | Imprisonment has been the only punishment in the depot; and, as the general conduct of the men is good, it is presumed to have had a salutary effect, perhaps rather attributable to fear than good feeling. |
| *Major Manners, 37th Foot* (Jamaica) | Has not witnessed any alteration in the habits or conduct of the men who have undergone solitary confinement. Hard labour not inflicted in this command. |
| *Maj. Kell, Depot, 37th Foot* | The result has been most satisfactory; and the men have invariably returned to their duty, improved, and their conduct subsequently has been orderly and soldierlike. |
| *Maj. Jebb. 40th Ft.* (Bombay) | In most cases the men have not returned with better dispositions, and in many instances have been brought forward as prisoners in a very short period after their release. |
| *Col. Sir E. K. Williams, 41st Foot* (Madras) | Frequent punishments tend much to harden the minds of the men—indeed many boast of the number of days' solitary confinement they can bear. Is no advocate for severe punishment. The regiment is improving in its general discipline, and several notoriously bad characters have become quiet and sober soldiers. |
| *Lt.-Col. Sir C. Gordon, 42d Foot* (Mediterranean) | Hard labour not inflicted in Malta. Solitary confinement alone has not had a permanent effect on the men, but their conduct has been more orderly for a short time. |
| *Maj. Johnstone, Depot, 42d Ft.* | The result with respect to these punishments has been favourable. He has found it necessary, however, to lessen the indulgences during solitary confinement. |
| *Lt.-Col. Booth, 43d Foot* | Beneficial, and they have returned with better dispositions, and have conducted themselves in an orderly and soldierlike manner—but there have been some exceptions. |
| *Colonel Elrington, 47th Foot* (Gibraltar) | Confinement in public prisons tends to degrade men in their own eyes, and does not improve their conduct or character. |
| *Maj. Sadleir, Depot, 47th Ft.* | Hard labour, as administered in the petty prisons in Ireland, is loosely conducted, and the military offenders are too much mixed with civil prisoners. Solitary confinement has been a severe punishment, and has acted on the minds and dispositions of the culprit. In many instances it has produced reformation. |
| *Lt.-Col. Bell, 48th Foot* | Has never observed improvement to follow in any case in India. |
| *Lt.-Col. Bartley, 49th Foot* (Bengal) | If solitary confinement could be strictly carried into effect, the effect would be beneficial to the corps; but the construction of the military prisons in India and the climate scarcely admit of it. It should be strictly solitary without any communication being allowed between the criminals. The men subjected to these punishments are those who volunteer from regiment to regiment, and have been long in India. They are mostly habitual drunkards, and the object of punishment is not to reclaim them, that is impossible, but as an example. |
| *Lt.-Col. Wodehouse, 50th Foot* (New South Wales) | Solitary confinement, generally speaking, has had a beneficial effect: not so hard labour, but that is chiefly attributable to the men having been sent to public gaols. |
| *Maj. Ryan, Detachment, 50th Foot* | Has no hesitation in saying that these punishments have failed in their effects. The men have not returned with better dispositions, but, on the contrary, instances have occurred where men, on the very day of their release from these punishments, have committed serious and aggravated military offences. |
| *Maj. St. John, 52d Foot* | The effect of these punishments has not been very great. The men return very little altered. Hard labour is not of such a nature as to improve the man; solitary confinement has more effect, but is seldom well enforced from want of properly constructed cells. |
| *Capt. Considine, 52d Foot* | In some few instances of early delinquency some good has been effected by hard labour, but that desideratum is more likely to be gained by a rigidly enforced solitary confinement. On general bad characters, and on the reckless, when incarcerated in public gaols, a hardened effect is often the result. |
| *Lt.-Col. Considine, 53d Foot* (Mediterranean) | Has had very little experience of the effects of imprisonment with hard labour in his own corps; but is satisfied that solitary confinement is an excellent punishment, and men have returned to their duty after it much improved, and have subsequently conducted themselves in a more orderly and soldierlike manner. |
| *Maj. Butler, Depot, 53d Foot* | Has hardly known an instance of a soldier having been reformed by imprisonment in a public gaol; but, on the contrary, has frequently found the crime repeated shortly after release. |
| *Lt.-Col. Craigie, 55th Foot* (Madras) | The punishment of hard labour is not inflicted in India. Solitary confinement has a beneficial effect upon the discipline of the corps. Although it may not have effect upon the very worst men, it certainly induces men of indifferent character to behave better from a salutary dread of the punishment. |
| *Lt.-Col. Prichard, 56th Foot* (Jamaica) | These punishments have had a beneficial effect on the more respectable men, but on the determined drunkards and the more ignorant men they have had little effect. |
| *Maj. Eden, Depot, 56th Foot* | The men have returned to their duty with better dispositions, and generally have conducted themselves well, with the exception of hardened characters. |
| *Col. Clifford, 58th Ft.* (Ceylon) | These punishments do not appear to have had the desired effect; for, with very few exceptions, the men's conduct has been as bad or even worse than before. |
| *Maj. Ricketts, Depot, 58th Ft.* | Beneficial. The men have since conducted themselves in an orderly and soldierlike manner, but the greater proportion have since embarked for Ceylon. |
| *Lt.-Col. Fuller, 59th Foot* (Gibraltar) | Solitary confinement for short periods seems best suited to the reformation of those not naturally vicious; hard labour to the stubborn, slothful, or vicious. |
| *Maj. Gordon, Depot, 59th Ft.* | Solitary confinement rather improves the character of the individual, and is favourable to discipline by the terror with which it is viewed; but hard labour, when carried into effect in public gaols, is almost always injurious to the soldier's character, from his mixing with the depraved inmates of a prison. |
| *Lt.-Col. Bunbury, 1st Batt. 60th Foot* (Mediterranean) | Has not had much experience as to the effects of imprisonment with hard labour; but as carried on at Gibraltar, where the hard labour is breaking stones in gangs on public roads, |

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| | the duty of the well-conducted soldier who is placed in charge of such delinquents is more severe than that of the offenders. Solitary confinement, if judiciously carried into effect, is a far preferable punishment; but the present cells are ill adapted for the purpose, as men in separate cells can converse with each other. This should be remedied, and the man in charge forbidden to speak even in answer to questions. At present solitary confinement has not been attended with those beneficial effects that might have been expected. |
| *Maj. Trevelyan, Depot, 1st Batt. 60th Foot* | They have not been of service in all cases, nor the men always better disposed afterwards. |
| *Lt.-Col. Ellis, 2d Batt. 60th Ft.* | These punishments act as a check upon thoughtless and inexperienced young men, and keep them in order. They return to their duty cheerfully, but the majority certainly not improved. |
| *Col. Darley, 61st Foot* (Ceylon) | Generally speaking, these punishments, especially solitary confinement, have been beneficial to discipline. In some few cases men have returned with improved habits. |
| *Maj. Forbes, Depot, 61st Ft.* | Solitary confinement has a good effect on young soldiers. Imprisonment with hard labour does occasionally produce a beneficial change on the hardened offender. |
| *Lt.-Col. Fairtlough, 63d Foot* (Madras) | With the exception of two men, they have generally returned with better dispositions and conducted themselves orderly. |
| *Lt.-Col. Kirkwood, 64th Foot* (Jamaica) | The well-disposed will avoid these punishments; but the drunken and ill-disposed, of whom there are a few in every corps, are little affected by these or any other punishments. These men are very little noticed by the rest of the corps. |
| *Maj. Freeth, Depot, 64th Foot* | Is doubtful whether these punishments are much dreaded by soldiers in general. Is certain that they are not by confirmed bad characters, inasmuch as out of eighteen tried by Court-Martial, one man has been tried four times, three men three times, and two twice each, and all their sentences, with two exceptions, were these punishments. |
| *Maj. Farquharson, 65th Foot* (West Indies) | Have not tended to improve discipline. In a great majority of cases the men return more hardened. By frequency of application these punishments lose their terror. |
| *Maj. Walker, Depot, 65th Ft.* | In some instances solitary confinement has not been attended with any beneficial result. But hard labour seems to have prevented a speedy repetition of offence. |
| *Colonel Nicol, 66th Foot* (Canada) | They have not affected the discipline of the regiment. With an exception or two the culprits have returned unimproved either in disposition or conduct. |
| *Major Daniell, Depot, 66th Foot* | Solitary confinement for a short period is generally sufficient, if strictly enforced, for the young. But hardened men have certainly improved after imprisonment with hard labour. |
| *Major Brooke, 67th Foot* (West Indies) | They have had beneficial results on the discipline of the corps. The men's conduct has been more orderly and soldierlike. Knows of no instance to the contrary. |
| *Major Johnston, Depot, 67th Foot* | Few look forward with dread to confinement under sentence of Court-Martial. In repeated instances men have got outrageously drunk immediately on release. Solitary confinement in barrack cells, ill-constructed as they are, is a perfect farce. |
| *Lieut.-Col. Cross, 68th Foot* (Gibraltar) | These punishments, as at present carried into execution, produce but little effect upon the discipline of the corps. It is not possible now to say what they might do if applied in suitable places of confinement. Soldiers have seldom returned from public prisons in the least degree improved. |
| *Major Lord W. Paulet, Depot, 68th Foot* | Judging from the immediate repetition of crime in the same individual, these punishments are attended with very little good effect. A well-disposed man will return to his duty in a willing and soldierlike manner; but an ill-conducted man will repeat immediately the crime, and is sometimes two years without doing a day's duty for the regiment. |
| *Major Brookes, 69th Foot* (West Indies) | These punishments have not been so effectual in the repression of crime as could have been expected, nor have they succeeded in reclaiming offenders, very few having returned with better dispositions. This is in some respect attributable to the character of the culprits, few but the worst men having been brought before Courts-Martial; and in some respect to the very inadequate means of carrying these punishments into effect in the West Indies. |
| *Major Monins, Depot, 69th Foot* | These punishments have not any good effect on the discipline of the corps. In some instances the men have returned with improved dispositions, and in others quite the contrary. |
| *Colonel Evans, 70th Foot* (Gibraltar) | Solitary confinement when judiciously enforced, that is when all intercourse be cut off even to speaking, is most effective and salutary for the due preservation of discipline. "It has been "one of the principal means of enabling me to dispense with corporal inflictions for a "number of years, at the same time upholding exemplary conduct and high moral feeling "to an extent I should not have believed possible, but that the reality has been acknowledged "and admitted by every general officer and candid military man of experience who has had "an opportunity of witnessing it." |
| *Major Kelsall, Depot, 70th Foot* | Little change appears to have been effected in the disposition of some of the men confined. One individual was in solitary confinement three times during the year 1833 and during 1834 has been once imprisoned with hard labour for thirty days, and twice in solitary confinement for twenty days each time. Such men as this appear to be recklessly indifferent to any punishment. |
| *Lieut.-Col. Peddie, 72d Foot* (Cape of Good Hope) | They have maintained the discipline of the corps; and in most instances the men have returned to their duty with better dispositions. |
| *Major Hall, Depot, 72d Foot* | Of the twenty-one confined solitarily in 1833 six have been well conducted. Of the six imprisoned with hard labour one has been since well conducted, and on the remaining five a salutary impression was made for the time. |
| *Major Lloyd, 73d Foot* (Mediterranean) | These punishments, owing to locality, mismanagement, and other causes, are generally so indifferently carried into effect, that he cannot offer a decided opinion on the subject. Some men would return to their duty disposed to conduct themselves better, but too often soldiers on being released from confinement revert to their former bad habits, and appear as defaulters the following morning. |
| *Major Hamilton, Depot, 73d Foot* | Imprisonment had not much effect in Jersey, where there was no tread-mill, but the severe discipline of Canterbury and Maidstone gaols has had a decidedly good effect. Solitary confinement has never been of any benefit to old offenders; but it is a preferable punishment for a young soldier. |
| *Lieut.-Col. Mein, 74th Foot* (West Indies) | Occasionally they have had a good effect, but more frequently the contrary, the hard labour especially not being strictly enforced, and the culprits associating with bad characters. |

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| *Maj. Crabbe, Depot, 74th Foot* | The men return from solitary confinement, if carried strictly into effect, amended persons; but, as in many cases they are allowed to converse when at hard labour, and are well fed, and no night duty, they do not feel it a great punishment. |
| *Lt.-Col. England, 75th Foot* (Cape of Good Hope) . . | The result of these punishments altogether depends on the due facilities within reach for carrying them into effect. Has observed no highly marked change in the temper of the men after these two punishments which have checked crimes generally; but there are many dispositions among soldiers for whom a more active species of coercion seems to be essential in aid of discipline, and upon whom the two modes adverted to would be totally ineffectual, and almost inapplicable. |
| *Maj. Quill, Depot, 75th Foot* | Five out of twelve sentenced to hard labour have evinced appearance of amendment, and eight out of thirteen sentenced to solitary confinement. |
| *Major Clark, 76th Foot* (West Indies) . . . . | These punishments have generally produced good effects both on the individuals and on others. The men with some exceptions have returned to their duty with better dispositions. |
| *Maj. Hutchinson, Depot, 76th Foot* . . . . . | Generally speaking the men have returned with better dispositions, and in many instances have subsequently conducted themselves in an orderly and soldierlike manner. This result has more followed imprisonment with hard labour, when the work was the tread-mill, than solitary confinement. |
| *Lt.-Col. Bradshaw, 77th Ft.* . | In the case of young men and first offenders the effects have been beneficial; these men have returned with improved dispositions: but not so the old and hardened offenders. |
| *Major Douglas, 78th Foot* (Ceylon) . . . . . | They have not had any material effect on the discipline of the corps. In some cases of men released from solitary confinement the habits have improved, but many of these punishments are repetitions on the same offenders. |
| *Maj. Adams, Depot, 78th Ft.* | They are necessary to deter others, although they seldom benefit the culprits themselves; some becoming reckless of character, and being lowered in their own estimation after the disgrace of being confined in a common prison. |
| *Lt. Col. M'Dougall, 79th Foot* (Canada) . . . . . | The beneficial effects resulting from these punishments essentially depend on the manner of carrying them into effect. The most salutary consequences have resulted in this regiment both to the culprit and the corps when there were suitable places of confinement within the barrack, or in a well-regulated prison in the neighbourhood. |
| *Major Ferguson, Depot, 79th Foot* . . . . . | The effect has been most satisfactory; the men returning from bridewell having, almost without an exception, conducted themselves like good soldiers. |
| *Lieut.-Col. Pitt, 80th Foot* . | When the hard labour has been the tread-mill it has had a good effect; but generally when the tread-mill is not in force the hard labour is merely nominal, and the punishment has failed in producing improvement. Solitary confinement has a good effect upon certain dispositions and characters when rigidly enforced. |
| *Lt. Col. Maclean, 81st Foot* . | There have been a few instances of complete reformation by the effect of these punishments; but, generally speaking, little amendment has been found in the dispositions of others. |
| *Lt.-Col. Hogarth, 82d Foot.* | These punishments have not been attended with the good that might have been expected; the habits of the men generally have not improved, nor has their subsequent conduct been more orderly. |
| *Lt.-Col. Dundas, 83d Foot* (Nova Scotia) . . . . | The effect of these punishments has not been so salutary as could be desired. On the hardened they have produced no lasting impression. On some a good effect has been apparent; they have returned to their duty with a determination to conduct themselves in an orderly and soldierlike manner, but these instances are few. |
| *Maj. Trydell, Depot, 83d Ft.* | The men punished are generally habitual drunkards, and of bad character. No improvement is apparent in them, nor is any beneficial result to be looked for independent of example. |
| *Maj. Nicholl, Depot, 84th Ft.* | These punishments have had a good effect; the men have returned with better dispositions, and their subsequent conduct has in general evinced the good effects of these punishments. |
| *Col. Warburton, 85th Foot* . | Hard labour has had the best effect: solitary confinement may do in some cases, but not generally. |
| *Maj. Stuart, 86th Foot* (West Indies) . . . . . | These punishments have not had the desired effect; the dispositions of the men have not improved, nor has their subsequent conduct been better: but, on the contrary, many instances have occurred of men getting drunk and committing fresh offences on the very day of their release. |
| *Capt. Creagh, Depot, 86th Ft.* | Solitary confinement has had a better effect than imprisonment with hard labour; and men return from the former punishment with much better dispositions than from the latter, and conduct themselves better. |
| *Lt.-Col. Streatfeild, 87th Foot* (Mauritius) . . . . . | These punishments, as at present carried into effect, are inefficacious, and tend materially to affect the discipline of the corps. The soldiers have neither returned to their duties with better dispositions, nor have they subsequently conducted themselves with greater propriety. |
| *Capt. Doyle, Depot, 87th Foot* | These punishments have not had the desired effect on the discipline of the corps. The men's dispositions are by no means improved, nor has their subsequent conduct shown that the punishments they have undergone have made much impression upon them. |
| *Col. O'Malley, 88th Foot* (Mediterranean) . . . | The result of his experience is rather in favour of solitary confinement, although there are not proper cells in the barracks on the station for the infliction of either sentence, and the good is not done to the service which might result from these punishments. With one or two exceptions the men have not returned to their duty with improved dispositions, particularly after hard labour, nor have they, generally speaking, conducted themselves in an orderly and soldierlike manner. |
| *Maj. O'Hara, Depot, 88th Ft.* | These punishments have been efficacious in checking crime, but to maintain strict discipline in a corps, it is necessary that more severe puuishment should be held over them, *in terrorem*, particularly for acts of insubordination and violence, when an immediate and strong example should be exhibited. Of twenty-one sentenced to hard labour and solitary confinement fourteen have improved in their dispositions and have conducted themselves generally well. |
| *Lt. Col. Jones, 89th Foot* . . | These punishments have not had much permanent effect on the discipline of the corps, although they have assisted in its maintenance for the time being. The men have not, with few exceptions, returned to their duty with improved dispositions, nor has their conduct for any long period been orderly and correct: this may arise from the punishments not having been inflicted with due severity. |
| *Lt. Col. Arbuthnot, 90th Foot* | Hard labour has had little or no effect, whilst solitary confinement, particularly with young |

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| | soldiers, if not for too long a period, and if carried into effect in the barracks, has had a most beneficial result. With few exceptions, men who have undergone either of these punishments in public prisons have become reckless, and have continued in their ill courses. |
| *Lt.-Col. Anderson*, 91*st Foot* . | When these punishments have been properly inflicted the men have much improved; but whenever a proper classification has not been observed, and the soldiers have been allowed to mix with other prisoners, the impression produced very soon wore off, and their general habits and feelings have been much injured thereby. |
| *Lt.-Col. M'Donald*, 92*d Foot* (Gibraltar) . . . . . | These punishments are not so good as they might be if strictly enforced. Some, and the greatest number have conducted themselves well, but others have evinced no improvement. |
| *Maj. Winchester*, *Depot*, 92*d Foot* . . . . . | The punishments do not follow the crime with sufficient promptitude, owing to the delay occasioned by application for and approval of a Court-Martial, and the discipline of a corps is affected in proportion. The manner of performing their duties as soldiers and their subsequent conduct have undergone no change. |
| *Lt.-Col. M'Gregor*, 93*d Foot* . | It is difficult to estimate the benefit produced upon the discipline of the regiment by these or any other kind of punishment, from ignorance of the amount of injury that would have been sustained if punishment had been altogether withheld; but the good either direct or indirect is considerable. The men have not returned in general from hard labour with better dispositions, but many of those from solitary confinement have. He has, however, never observed any permanent improvement produced, the chief good derived being the example such punishments held forth. The conduct of a regiment seems to depend much more upon circumstances than on the nature and amount of punishment: for instance, in the West Indies, severe punishments failed in repressing crime, which however almost disappeared on the removal of the regiment from the scene of their manifold temptations. |
| *Lt.-Col. Paty*, 94*th Foot* . . | As it was not the practice in Gibraltar or Malta, whence the regiment has lately returned, to inflict hard labour, he has no experience as to the result of this punishment on the dispositions of the men. Solitary confinement, if rigorously enforced, is well adapted to uphold the discipline of the army. It varies in its effect upon individuals, but that seems to depend greatly on the disposition of those subjected to it. |
| *Maj. Milner*, *Depot*, 94*th Foot* | These punishments have had very little effect upon discipline. The men have not returned with better dispositions. In some instances they have conducted themselves better, but it has been for a short period only; for almost every offender has been tried at least once before, and in many instances repeatedly. |
| *Lt.-Col. Campbell*, 95*th Foot* | In some instances these punishments have answered tolerably well, but he cannot assert that the men have returned with better dispositions or conducted themselves altogether to his satisfaction. All the crimes in the 95th foot are confined to about thirty men, and if these men were got rid of, he ventures to affirm that a Court-Martial would be a rare occurrence. |
| *Maj. Wrottesley*, *Depot*, 95*th Foot* . . . . . | Imprisonment in gaols has not had a beneficial effect upon the discipline of the corps, the punishment being carried into execution at a distance, while, from the associations formed in prisons it has had the worst effects upon the character of the culprits, as almost all have returned to their duty with more depraved habits and worse dispositions, and have conducted themselves in a disorderly and unsoldierlike manner. The same objections do not apply to solitary confinement, which is productive of good to discipline and is of beneficial effect to the culprit. |
| *Lt.-Col. Cairncross*, 96*th Foot* (Nova Scotia) . . . . . | In many instances these punishments have had the desired effect, but in many hardened offenders quite the contrary. In most cases, defaulter's room, confinement to barracks, &c., have answered. |
| *Maj. Hill*, *Depot*, 96*th Foot* . | The discipline of the depôt has been partly maintained by the influence of these punishments. Some of the delinquents have since conducted themselves well; others have continued defaulters. |
| *Col. Hamilton*, 97*th Foot* (Ceylon) . . . . . | Does not think that the men who have undergone either of these punishments have been cured of their bad habits, nor are their dispositions improved. |
| *Capt. Smith*, *Depot*, 97*th Foot* | The punishment of solitary confinement was in every case inflicted in the barrack-cells, and appeared to have had no effect on the culprits or the discipline of the corps. The men have generally returned with more callous dispositions and conducted themselves very irregularly. Hard labour inflicted in the county-gaol at Cork succeeded in producing a reformation in individuals, and operated materially to the prevention of crime. |
| *Lt.-Col. M'Caskill*, 98*th Foot* (Cape of Good Hope) . . . | The defaulter's book does not show any decided improvement. With a few exceptions they have returned to their former habits and continue in them. |
| *Maj. Le Marchant*, *Depot*, 98*th Foot* . . . . . | Has in many instances seen beneficial results from these punishments, but perhaps only on the better-disposed, who turn the time to reflection, and rejoin with altered mind and improved habits. |
| *Lt.-Col. Johnston*, 99*th Foot* (Mauritius) . . . . . | These punishments had no very decided effect on the discipline of the corps. Four of the individuals punished have improved in their conduct; the others have not changed for better or worse. |
| *Maj. Macpherson*, *Depot*, 99*th Foot* . . . . . | There are not means of enforcing solitary confinement in barracks. The men have not returned from this punishment with better dispositions. From hard labour they have returned much worse. |
| *Major Hope*, 1*st Batt. Rifle Brig.* (Nova Scotia) . . | They have produced considerable effect on the discipline of the corps, although they have not produced much effect on the individuals. |
| *Lieut.-Col, Eeles*, *Depot*, 1*st Battalion, Rifle Brigade* . | Generally speaking, they have had a beneficial effect on the discipline of the corps. There are some men habitual drunkards, whom no punishments will reclaim. |
| *Col. Brown*, 2*d Batt. Rifle Brigade* (Mediterranean) . | The means of carrying these punishments into effect are very insufficient at Corfu, yet the discipline of the corps has been upheld without having recourse, except in extreme cases, to corporal punishment. Of the culprits, three or four not radically vicious have been reclaimed, and are now conducting themselves in an orderly, soldierlike manner. The others are irreclaimable, and no punishment would have effect upon them. Two have since been sentenced to transportation, and one discharged with ignominy. Those who remain are a source of constant trouble and annoyance to their officers as well as their comrades. |
| *Capt. Gosset*, *Depot*, 2*d Batt. Rifle Brigade* . . . . | Neither of them have been productive of beneficial effects; as the six men punished by hard labour have since misconducted themselves grossly, and of the twenty-three who have undergone solitary confinement but three have shown any symptoms of amendment. |

| OFFICER'S NAME. | ANSWER. |
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| *Lt.-Col. Doherty*, 1*st W. In. Regiment* (West Indies) | These punishments have not had the desired effect on the discipline of the corps. The men generally have not returned with better dispositions. He has even found them more disposed than before to mislead or give bad advice to their comrades. |
| *Lt.-Col. Nicolls*, 2*d W. In. Regiment* (West Indies) | Hard labour is productive of some good: solitary confinement the black soldier laughs at; he would rather pass a week in solitary confinement than five hours at drill. The men of this regiment have not profited by solitary confinement, and have not returned from hard labour better men. |
| *Major Fletcher, Ceylon Reg.* (Ceylon) | Very little alteration has taken place in the conduct or dispositions of the men; the bad have certainly not been reclaimed by the effect of these punishments. |
| *Maj. Burney, Cape Riflemen* (Cape of Good Hope) | Punishment of Hottentots of bad character has but little effect, with the exception of severe corporal punishment. |
| *Maj. de Piro, Malta Fencibles* (Malta) | None of the regiment under his command have received these punishments. Soldiers generally are indifferent to imprisonment. He does not think they return to their duty with better dispositions after imprisonment; it makes very little impression on them. |
| *Maj. Du Bourdieu, Provis. Batt.* | Considers the discipline of his corps to have been as well maintained by these punishments as it would have been by others. Courts-Martial have been more frequent than they used to be; but he attributes this to the excited state of society, and the demoralized and turbulent habits of the classes which furnish recruits. He states that there is a great difference between the recruit now and what he was formerly. Then he was disposed to be respectful to his superiors, simple in his habits, and patient under instruction. He is now impatient of restraint, more inclined to quarrel with his drill-instructor for some imaginary slight, or sharp word, than to receive his instructions with willing attention. |
| *Lt.-Col. Brunton*, 13*th Light Dragoons* (Madras) | The punishment of solitary confinement has had generally a salutary effect on such as were not hardened offenders; but those who are care little about it; and to a few who do their work unwillingly it would appear a respite from it, and as such might even be sought after, were it not for the forfeiture of pay. |
| *Lt.-Col. Dennis*, 3*d Foot* (Bengal) | Can only speak as to solitary confinement, and regrets to say that this species of punishment has produced very little or no effect in altering the dispositions of culprits for the better, the result being rather the contrary. In fact, soldiers, generally speaking, turn this punishment into ridicule, and they consequently have not returned to their duty with better dispositions. |
| *Lt.-Col. Custance*, 9*th Foot* (Mauritius) | They have not had any particular effect on the discipline of the corps, nor have the men returned with better dispositions. Out of forty-four convictions four were convicted twice, and one three times, in 1833. Since 1833 four have been tried twice, and two, three times, making fourteen Courts-Martial on six men. The rest have not conducted themselves much better. |
| *Lieut.-Col. Green*, 20*th Foot* (Bombay) | Imprisonment with hard labour not resorted to in this country. Those who have undergone solitary confinement have generally been such as are inured to vice and hardened in dissipation. He does not think that much salutary effect has resulted from the infliction of this punishment. |
| *Lieut.-Col. Piper*, 38*th Foot* (Bengal) | Hard labour is not enforced as a punishment on Europeans in India. Solitary confinement is considered by the men a severe punishment; but he has never known an instance of a determined bad character who has been permanently reclaimed by it. |
| *Major Poole*, 39*th Foot* (Madras) | Does not think that the disposition of the soldier is improved by confinement, nor that delinquents have subsequently conducted themselves in a more orderly and soldierlike manner. |
| *Lieut.-Col. Boys*, 45*th Foot* (Madras) | Hard labour is not enforced as a punishment in this country. His observations upon the effect of solitary imprisonment are favourable to that mode of punishment. In most cases, when the men have returned to their duty, their general behaviour has much improved; and this amendment is particularly visible in men who have been tried for violent and insubordinate conduct, except in instances where the character is so incorrigible that no amendment can be expected. |
| *Lieut.-Col. Fane*, 54*th Foot* (Madras) | The result of solitary confinement has been beneficial on the discipline of the corps. The dispositions of the men in all cases have not been changed, as a few have returned sullen and discontented; but generally speaking they have returned to their duty cheerfully and with a determination to avoid a second punishment, and have subsequently conducted themselves well. |
| *Major Hunt*, 57*th Foot* (Madras) | Solitary confinement carried into execution at Head-Quarters has, generally speaking, been productive of much good. Most men have returned with better dispositions, and many who were previously addicted to drink have given up drinking to excess. They dread the loss of pay and of service more than any thing else. Of course there will now and then be found some incorrigible characters whom no punishment will amend or keep in order. |
| *Major Cramer*, 62*d Foot* (Madras) | Crime has not been lessened by solitary confinement; nor does he think that the disposition of the soldier on his return has been altered. He judges so from the frequent repetition of the punishment on the same individual. In some few instances it has produced the desired effect, but as a general result this has certainly not been observable. |
| *Major Pritchard*, 71*st Foot* | They have had little or no effect upon the discipline of the corps; the individuals have not returned with improved dispositions, nor has there been any alteration in their conduct for the better. Of men sentenced to solitary confinement, two have since deserted, and one after imprisonment with hard labour. |

| OFFICER'S NAME. | ANSWER. |
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| *Maj.-Gen. Sir C. D'Albiac* | They generally make light of it. |
| *Maj.-Gen. Sir T. M'Mahon* | Has heard they make light of it. |
| *Maj.-Gen. Sir H. Bouverie* | It depends upon the degree of discipline maintained in the prison. In winter the men dislike solitary confinement most; in summer the tread-mill. |
| *Maj.-Gen. Ross* | They make light of the punishment of solitary confinement, and declare that they prefer being in gaol to doing their duty. |
| *Lt.-Gen. Sir H. Vivian* | Men in public gaols have boasted of escaping military duties and living a life of ease. |
| *Maj.-Gen. Sir T. Arbuthnot* | Soldiers in general dislike solitary confinement more than hard labour, as at present carried into effect; but hard labour and of long duration should occasionally be resorted to with bad soldiers of hardened and incorrigible character. |
| *Lt.-Gen. Sir W. Houstoun* (Gibraltar) | Some who have left solitary confinement, having before experienced imprisonment with hard labour, have declared to the Provost-Marshal that they would not offend again. |
| *Maj.-Gen. Sir S. Chapman* (Bermuda) | Hard labour, when rigidly enforced, is severely felt by the soldiers, and so reported to their comrades. |
| *Maj.-Gen. Sir Lionel Smith* (West Indies) | They become callous to hard labour, as the sense of disgrace is destroyed from the number of prisoners, and they speak lightly of it to their comrades. Solitary confinement is viewed in a different light. |
| *Maj.-Gen. Sir Carmichael Smith* (Demerara) | Those sent to the tread-mill have told their comrades they would have preferred corporal punishment. Men condemned to hard labour in the garrison of Demerara, in consequence of receiving a ration of bread only, without soup or meat, complain of the punishment to their comrades as very severe. |
| *Major-Gen. Sir C. Campbell* (Nova Scotia) | There are, in every regiment, a set of men, to whom the Courts-Martial of the corps are almost exclusively confined. These men would rather be attached to the hard-labour gang than perform their military duties, which are here severe in winter. |
| *Maj.-Gen. Sir Amos Norcott* (Jamaica) | The soldier regards the punishment of solitary confinement as irksome and difficult to support; but they have been known to represent a mere imprisonment with hard labour "as "the most pleasant and happiest time of their life." |
| *Col. Arthur* (Van Diemen's Land) | Has every reason to believe, that in almost every instance of ignominious punishment, the degraded soldier has regarded his punishment, if he really felt it to be severe, not as a merited infliction, but as a misfortune; if he accuses himself at all, it is not of the crime, but of his stupidity in being detected. It is worthy of observation, that a soldier is placed in a very different situation from a civilian as regards certain of the punishments now frequently resorted to. The soldier's natural condition is one of restraint, while the civilian, when not under penal restraint, is his own master. That degree of the deprivation of the right of self-control, which would be felt as a severe punishment by the civilian, may be regarded with complacency by the soldier; and it may be observed, that in proportion as the latter becomes insensible to shame, habitually dirty in his person, or naturally indolent, and therefore impatient of minute observances, he will dislike his condition, and regard the gaol as a release. Soldiers, therefore, who have been punished by imprisonment in any of the ordinary gaols, return to their corps without any salutary dread of offending having been impressed on their minds, and it is to be feared that their representations to their comrades are not such as are likely to deter them from crime. |
| *Col. Lygon, 1st Life Guards* | They have represented hard labour as a severe punishment. |
| *Col. Lygon, 2d Life Guards* | They appear to consider punishment as the unavoidable result of breach of discipline. |
| *Col. Hill, Royal Horse Guards* | Imprisonment with hard labour is much dreaded. Solitary confinement has not been considered so degrading as being confined in a public gaol. |
| *Col. Sir George Teesdale, 1st Dragoon Guards* | Solitary confinement has a much greater effect on the minds of the men than hard labour, and the men have so represented it. |
| *Maj. Kearney, 2d Dn. Gds.* | Viewed in different lights by different men, according to the mode in which the punishments are administered, and the temper of the men. One who had been corporally punished stated that he would rather undergo that punishment than imprisonment. |
| *Lt.-Col. Story, 3d Dn. Gds.* | The men speak lightly of imprisonment and solitary confinement, but perhaps the latter is most disliked. |
| *Lt.-Col. Chatterton, 4th Dn. Gds.* | They speak lightly of the punishments, and consider them anything but a grievance. Some on release from gaol have committed the same crimes over again, and returned to the same gaols to renew the acquaintance they had formed there. |
| *Major Scarlett, 5th Dn. Gds.* | Some have felt imprisonment with hard labour a severe punishment; others have thought confinement to barracks and extra drill quite as severe. |
| *Lt.-Col. Wildman, 6th Dn. Gds.* | They have thought lightly of it, and have so represented it to their comrades generally. |
| *Lt.-Col. Clark, 7th Dn. Gds.* | In public gaols the men are well fed, and the hard labour, generally speaking, less severe than the daily duty of a dragoon. The men therefore have not represented their situation as very uncomfortable—but he has reason to believe solitary confinement is more disliked than imprisonment with hard labour in a gaol. |
| *Lt.-Col. Somerset, 1st Dns.* | Their opinions vary with the discipline of the gaol. One after twenty days' solitary confinement in Lewes gaol said he would rather have been at the tread-mill for three months. |
| *Maj. Wyndham, 2d Dns.* | Much must always depend upon the severity of the punishment undergone. But little communication is made to the immediate comrades of the delinquents unless the punishment is very severe. |
| *Lt.-Col. Stisted, 3d Lt. Dns.* | They have generally appeared to treat the punishments lightly. |
| *Lt.-Col. Fendall, 4th Lt. Dns.* (Bombay) | Must confine his remarks to solitary confinement only, which is represented to their comrades as a severe punishment, worse than flogging. |
| *Lt.-Col. Madox, 6th Dns.* | They have represented them as severe and disagreeable. |
| *Lt.-Col. Hill, 7th Lt. Dns.* | They appear to think but lightly of the punishments, and do not speak of them with any degree of awe or dread. |
| *Lt.-Col. Molyneux, 8th Light Dragoons* | It depends upon the nature of the individuals and the discipline of the gaol. There was one gaol in Gloucestershire of which the men had great dread. |
| *Lt.-Col. Campbell, 9th Light Dragoons* | The men represented the tread-mill to be the severest punishment. |

| OFFICER'S NAME. | ANSWER. |
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| *Lt.-Col. Lord T. Cecil*, 10*th Light Dragoons* | Solitary imprisonment, if the weather be cold and the confinement strict, is represented as severe. If the weather be warm, the idle soldier prefers it to duty. Imprisonment with hard labour is considered a disgrace, and soldiers do not talk much about it. They are frequently indulged in prison; but they dislike the tread-mill exceedingly. |
| *Lt.-Col. Brutton*, 11*th Light Dragoons* (Bengal) | They generally promise to amend, but rarely do so. Some have redeemed themselves, and as good soldiers have subsequently enjoyed every privilege. |
| *Lt.-Col. Stawell*, 12*th Light Dragoons* | They do not appear to consider these punishments as degrading, nor have they represented them as severe to their comrades. |
| *Lt.-Col. Townsend*, 14*th Lt. Dragoons* | Some have considered solitary imprisonment as no punishment; others, very irksome. All dread imprisonment with hard labour, particularly in the Provost Prison, Dublin. |
| *Lt.-Col. Badcock*, 15*th Light Dragoons* | Has had no means of ascertaining how they have represented the punishment to their comrades, but fears the punishments have had little effect in the way of example. |
| *Lt.-Col. Lord Bingham*, 17*th Light Dragoons* | They make light of solitary confinement in barrack-cells; but are rather disposed to exaggerate the privations of a prison. |
| *Col. Sir John Woodford, Grenadier Guards* | They consider the tread-mill a severe punishment, but the effect of solitary confinement must be variable, to men of active habits more irksome than the indolent. |
| *Col. Fremantle, Colds. Gds.* | The effects of these punishments soon wear off, and nothing that a soldier may say of them has the effect of deterring others of bad disposition from the commission of crime. |
| *Col. Keate, Scots Fus. Guards* | They generally appear to make very light of it. |
| *Lt.-Col. Carter*, 1*st Batt.* 1*st Foot* (West Indies) | The delinquents appear to have thought lightly of their punishments, and have so spoken of them. |
| *Lt.-Col. Wetherall*, 2*d Batt.* 1*st Foot* | Imprisonment with hard labour is viewed by the soldier generally with perfect indifference, from the great abuses prevailing in prisons. From some, men return with several pounds in their pocket, having been permitted to work for their own benefit. In others the men having money may employ others to perform their tasks, paying them for doing so. In others, they are employed as overseers. The evils of this system are manifest, and many instances are known of soldiers preferring to be in prison to remaining with their corps. In Glasgow gaol the discipline is severe, and the labour irksome, and soldiers confined there have a just and salutary horror of it. |
| *Maj. Deuchar, Depot*, 1*st Foot* | They appear to regard these punishments as fair and justly merited. |
| *Captain Jackson*, 2*d Foot* (Bombay) | They appear to have viewed them as punishments to be avoided by more regular conduct. |
| *Lieut.-Col. Breton*, 4*th Foot* (New South Wales) | The men greatly dislike solitary confinement, but care not, in the least, for imprisonment with hard labour, as inflicted in New South Wales. |
| *Lt.-Col. Sutherland*, 5*th Foot* (Mediterranean) | From the effect produced, the punishments appear to have been viewed lightly. Solitary confinement, when the man has had nothing but bare boards to lie on, and bread and water for food, has been complained of as a severe punishment: but hard labour only produces effect on the young soldier, who feels the degradation of exposure to break stones on the public roads; the old offender does not feel that, and consoles himself by being idle and exempt from duties, and from the trouble of keeping himself and his appointments clean. |
| *Maj. Lord C. Wellesley, Depot*, 5*th Foot* | Has never heard of any punishments being spoken of as excessive, nor have they been mentioned with discontent. |
| *Lt.-Col. Farquharson*, 7*th Foot* (Mediterranean) | Those that subject themselves to Courts-Martial are of that hardened character that some of them on return from imprisonment have said they have had a good sleep and rest from their labours. |
| *Maj. Lord W. Thynne, Depot*, 7*th Foot* | Imprisonment with hard labour is felt as a very severe punishment, and is so represented. Solitary confinement is not so considered. But much depends on the nature of the offence, and the character of the individual. |
| *Lieut.-Col. Cathcart*, 8*th Foot* (Jamaica) | When men have returned from confinement, not in the barracks, they come back joyfully, and are frequently greeted by their comrades, who have forgotten their offence. In one instance, indeed, a subscription was made for a man who had returned from a year's imprisonment, to which he had been sent for theft, and which would not have been the case if he had been sent to solitary confinement in the barrack-cells. |
| *Capt. Machen, Depot*, 8*th Foot* | They do not view the punishment they have undergone in regimental cells as severe, which perhaps arises from the bad construction of the cells. They regard loss of pay as the most severe punishment. |
| *Maj. Champain, Depot*, 9*th Ft.* | When these punishments have been properly carried into effect they have been much dreaded, and they have been so represented to their comrades. |
| *Lieut.-Colonel Freer*, 10*th Foot* (Mediterranean) | They have not generally considered hard labour in a serious light; they have viewed solitary confinement as more so. |
| *Major Allen, Depot*, 10*th Foot* | A good deal depends upon the mode in which the punishment is inflicted and the character of the man. A sluggard likes his repose, and to him hard labour would be a severe punishment. |
| *Major Derinzy*, 11*th Foot* (Mediterranean) | In general they regret having undergone them, and would not be easily led to incur them again, particularly solitary confinement. Some few say they would prefer corporal punishment; but this is mere *bravado*, because formerly, when commanding officers had the power of commuting corporal punishment for solitary confinement, the confinement was invariably accepted with thanks. |
| *Lt.-Col. Bisshopp, Dep.* 11*th Ft.* | They appear to feel more hard labour where the gaol allowance is bread and water, but some, who have been hard drinkers, feel severely solitary confinement. |
| *Lt.-Col. Turbervill*, 12*th Foot* | Where the gaol discipline was strictly enforced the men had a dread of returning to it, and the report made by them to their comrades had a good effect. |
| *Lt.-Col. Sale*, 13*th Ft.* (Bengal) | When solitary confinement is properly enforced they dread it; but where the discipline is not strict they consider it a recreation. One man returned from Chunar with a large sum of money he had earned while in solitary confinement by making straw-hats. On this being reported it was ordered that the punishment should be inflicted in the regimental cells, which had a good effect. |
| *Lt.-Col. Everard*, 14*th Foot* | Many have appeared to view them with shame and contrition; but a repetition of the offence or the commission of a greater crime has shown how inadequate these punishments were to deter them. |

| OFFICER'S NAME. | ANSWER. |
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| *Lt.-Col. Horton*, 15*th Foot* (Canada) | Solitary confinement the soldiers dislike more than any other punishment; but they are not permited by the non-commissioned officers to talk publicly on the subject, as it would lead to the expression of sentiments that would have a bad tendency. |
| *Maj. Drought, Depot*, 15*th Ft.* | Soldiers who have undergone both punishments have represented solitary confinement as the most severe; but not so in public gaols, where they have as good a bed as they have in barracks. |
| *Lt.-Col. Campbell*, 16*th Foot* (Bengal) | Those who were sent to the house of correction at Calcutta and the gaol at Hooghly made such favourable representations regarding them that the prisoners in the regimental cells applied to be sent there. |
| *Lt-Col. Despard*, 17*th Foot* (New South Wales) | The soldier most dislikes solitary confinement. When released from hard labour in a public gaol, they represent the punishment in a favourable light to their comrades. Their crimes being generally military insubordination, and not immoral offences, the gaolers who have in this colony charge of the worst characters grant indulgences to the soldiers. One sentenced to a year's imprisonment was, after a short time, employed as a turnkey. Three months after his release he was transported as a felon. |
| *Col. Burrell*, 18*th Foot* | Very few remarks are made except by those who have undergone imprisonment for habitual drunkenness—a crime they rarely view in its proper light. Their opinion is that the loss of pay is a sufficient punishment. |
| *Lt.-Col. Hardy*, 19*th Foot* (West Indies) | They regret the loss of pay and the loss of liberty; some regret their misconduct: but all are not deterred by experience, or they have not resolution to resist temptation. |
| *Maj. Raper, Depot*, 19*th Foot* | They seem to think lightly of imprisonment with hard labour in public gaols, but they represent solitary confinement in a public gaol as a severe punishment. |
| *Lt.-Col. Leahy*, 21*st Foot* (New South Wales) | A soldier released from punishment rather wishes to forget what he has suffered, and on that account treats it lightly in speaking to his comrades. |
| *Capt. Keappock*, 22*d Foot* (Jamaica) | Most men appear to view solitary confinement very lightly, and after this punishment have very soon committed themselves again. |
| *Maj. Pennefather, Depot*, 22*d Foot* | Imprisonment with hard labour they dread, and represent it accordingly; but they think little of solitary confinement carried into execution in the cells of their own guards, and some would even prefer it to confinement to barracks for a month, in which they are exposed to all fatigue-duties. |
| *Lt.-Col. Harrison*, 23*d Foot* (Gibraltar) | Makes it a point to see every man on his release from confinement, and endeavours by expostulation with him to reform and reclaim him. They pretend contrition and promise to amend, but rarely keep that promise: is therefore led to conclude that they speak lightly of the punishment to their comrades in vice; for the good men will not associate with the ill conducted. |
| *Maj. Ross, Depot*, 23*d Foot* | They have considered the punishments of sufficient consequence to prevent them from being again incurred. |
| *Col. Tidy*, 24*th Foot* (Canada) | Men have been known to turn hard labour into ridicule, but have expressed their horror of solitary confinement. They have nevertheless offended again. |
| *Maj. Kelly, Depot*, 24*th Foot* | Has every reason to suppose that the men have a much greater dislike to the punishment of hard labour than to solitary confinement. |
| *Maj. Young*, 25*th Foot* (Demerara) | These punishments were but little heeded; the solitary was, however, apparently the most cared for. |
| *Maj. Priestley, Depot*, 25*th Ft.* | Two men who were in Edinburgh bridewell at hard labour represented the punishment, which was constantly the tread-wheel, as very galling. The men in solitary confinement represented it as having been extremely irksome. Several men of the Artillery who had been in Armagh gaol spoke of it as intolerable, from the rigid way in which it was enforced. |
| *Lt.-Col. Oglander*, 26*th Foot* (Bengal) | Has reason to believe that the punishment of simple imprisonment, which only was used in 1833, is very efficient. |
| *Lt.-Col. Hare*, 27*th Foot* | Evidently with great dread, and as the unavoidable result of their own misconduct; and they have so represented these punishments to their comrades. |
| *Maj. French*, 28*th Foot* | Generally speaking men do not seem to have repented of their crimes; but two men spoke of the discipline of Knutsford gaol as very severe. |
| *Lt.-Col. Simpson*, 29*th Foot* (Mauritius) | From the imperfect way in which hard labour is of necessity carried on in the Mauritius, the men do not care much about it. They feel solitary confinement more severely, and dread it more. |
| *Maj. Walter, Depot*, 29*th Foot* | The men have the greatest horror of imprisonment with hard labour, and they speak of the tread-mill with the greatest abhorrence. |
| *Lt.-Col. Robinson*, 30*th Foot* (Bermuda) | They have been known to make light of these punishments, partly out of *bravado*, partly because they had in truth endured no suffering, and partly because on their return they were received and treated by their comrades. |
| *Maj. Ormond, Depot*, 30*th Ft.* | In the gaols in Ireland the soldiers are generally favoured, and none have been heard to express regret at having been imprisoned. The force of example is lost, the punishment having been away from the regiment. |
| *Maj. Wingfield*, 32*d Ft.* (Canada) | Hard labour as conducted in Canada excites no dread. The men are well fed, the labour is not severe, and they have fires over which they sit and talk when not at work. Solitary confinement, if it could be strictly enforced, would be much dreaded; but the cells must be carefully constructed, as it would be unsafe to leave a prisoner exposed to the effects of cold. |
| *Maj. Palk, Depot*, 32*d Foot* | The young soldiers treat it with ridicule and contempt, and are generally heard to say that twenty or thirty days' confinement is a matter of indifference to them if they can only have a good *lark* for it. Has seldom met with a young soldier who is awarded solitary confinement, which he always is in the first instance, who does not in a short time after commit some crime cognizable by Court-Martial. |
| *Lt.-Col. Knight*, 33*d Foot* | The men do not consider them severe punishments. Solitary confinement is most disliked; and men have been heard to say they would rather undergo forty days' hard labour than twenty solitary confinement. |
| *Lt.-Col. Fane*, 34*th Foot*, (New Brunswick) | As compared with corporal punishment they are lightly considered by the men. |

| OFFICER'S NAME. | ANSWER. |
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| *Capt. Brisbane, Depot, 34th Ft.* | The men did not regard imprisonment in Ireland as a severe punishment, the prison discipline being lax. In England it has been represented as a more severe punishment. |
| *Lt.-Col. Goldie, 35th Foot* | When the culprits were sent to county gaols the men made light of these punishments; but whilst the regiment was in Dublin, and subject to Military Provost discipline, there was a great change. |
| *Major Cairnes, 36th Foot* (West Indies) | These punishments make but little impression, and the men on release speak lightly of them to their comrades, especially of imprisonment with hard labour. |
| *Capt. Hare, Depot, 36th Foot* | When a cadet at the college, he does not think the cadets who had been confined in the black-hole were in dread of it, and is inclined to think it is the same with soldiers. |
| *Major Manners, 37th Foot* (Jamaica) | They think lightly of a moderate period of solitary confinement, the cells being airy and good. In support of this he states that when, under pressing circumstances, it was necessary to remove a prisoner under sentence from the cells to the guard-room for a few hours, to make room for a violent man, that prisoner objected to be removed, preferring his cell to the guard-room. |
| *Maj. Kell, Depot, 37th Foot* | Is inclined to think, from the very few crimes committed, that the system has worked well, and that the punishments, from their effect, cannot possibly have been represented as trifling. |
| *Major Jebb, 40th Foot* (Bombay) | Solitary confinement does not appear to have had due effect on those punished, or as an example to others. Imprisonment with hard labour is now being tried. |
| *Col. Sir E. Williams, 41st Ft.* (Madras) | Is well assured that all soldiers would prefer taking two hundred lashes to thirty days', or even twenty days' solitary confinement. |
| *Lt.-Col. Sir C. Gordon, 42d Foot* (Mediterranean) | They have usually treated the punishment lightly, unless forfeiture of pay was involved in it, which they dread very much. |
| *Major Johnstone, Depot, 42d Foot* | The men hate the disgrace of a public prison, and express this on all occasions. He has seen nothing like a reckless behaviour before their comrades. In Stirling and Berwick the discipline was very strict; in Edinburgh, where there is a tread-mill, very severe; and in Aberdeen it is carried on more uniformly, as each prisoner is in a separate cell, and may be kept solitary or at hard labour. |
| *Lieut.-Col. Booth, 43d Foot* | The description of hard labour which the soldiers are put to in Dublin and Waterford, and Ireland, generally, was such, that the men spoke lightly of it. |
| *Colonel Elrington, 47th Foot* (Gibraltar) | Solitary confinement most dreaded. Hard labour, when breaking stones, lightly thought of. When on tread-mill, disliked, but not dreaded. |
| *Maj. Sadleir, Dep. 47th Ft.* | When solitary confinement is strictly enforced, the men entertain a great dread of that punishment, but when loosely acted upon, idleness has compensated for the loss of liberty. |
| *Lt.-Col. Bell, 48th Foot* | They speak very lightly among themselves of their punishment. |
| *Lt.-Col. Bartley, 49th Foot* (Bengal) | These punishments have only had a temporary effect, and have not prevented a repetition of the offence. Judging from this, he would infer that culprits represent them as light to their comrades. |
| *Lt.-Col. Wodehouse, 50th Ft.* (New South Wales) | Solitary confinement they felt very severe, and have so represented it. Imprisonment in gaol was, in many instances, made light of. |
| *Maj. Ryan, Detacht. 50th Ft.* | They view these punishments with indifference, and do not appear depressed or debased by what they have undergone. They have to him represented the labour at Maidstone gaol as severe. |
| *Maj. St. John, 52d Foot* | Variously, according to the severity of the treatment, and the rules of the prison where they may have been confined. |
| *Capt. Considine, 52d Foot* | They appear to view the punishment in a trifling light when not rigidly enforced. In the Dublin Provost Prison, where the delinquents were permitted to associate, and to sing and laugh during hard labour, they thought the confinement less annoying than in the regimental cells. But at Enniskillen and Armagh, where solitary confinement was literally enforced, the punishment was very severe. At Armagh, indeed, the punishment seemed so severe, that an officer of the corps who inspected it petitioned for a remission of part of the sentence on one of his men. |
| *Lt.-Col. Considine, 53d Ft.* (Mediterranean) | Does not think they care for imprisonment with hard labour, and believes that some would as soon undergo it as discharge their duty; but they look upon solitary confinement in a very different light, and, when rigidly enforced, represent it as the most irksome and annoying punishment. |
| *Maj. Butler, Depot, 53d Ft..* | In most cases they have treated imprisonment (especially in public gaols) lightly, and certainly have not impressed their comrades with the fear of it. |
| *Lt. Col. Craigie, 55th Foot* (Madras) | Has reason to believe that solitary confinement is more dreaded than corporal punishment, especially by old offenders, who are callous to the disgrace of public punishment. |
| *Lt.-Col. Pritchard, 56th Foot* (Jamaica.) | Solitary confinement, when effectually enforced, is more dreaded by the men than any other punishment, corporal excepted. |
| *Maj. Eden, Depot, 56th Foot* | They do not consider solitary confinement so severe as hard labour, especially if kept strictly to the latter. |
| *Colonel Clifford, 58th Foot* (Ceylon) | They have represented hard labour as severe, although in several instances, while undergoing sentence, men have been tried for insubordinate conduct. |
| *Maj. Ricketts, Depot, 58th Ft.* | They speak lightly of solitary confinement, and would prefer twenty days of it to seven days' drill in heavy marching order, but they dread imprisonment with hard labour. |
| *Lieut.-Col. Fuller, 59th Foot* (Gibraltar) | Solitary confinement is viewed by the indolent with indifference; hard labour, when properly carried into effect, and tasked, is represented as a severe punishment. |
| *Maj. Gordon, Depot, 59th Ft.* | They are more in dread of solitary confinement than of hard labour. Has reason to believe they make a joke of the tread-mill. |
| *Lt.-Col. Bunbury, 1st Batt. 60th Foot* (Mediterranean) | Hard labour has not had a good effect upon the minds of those subjected to it; it is even an affair of recreation rather than punishment to those who are averse from the active duties of a soldier. It has a tendency to destroy the military carriage of a soldier, and, in some cases, where the culprit is of a malignant or sulky disposition, he has so ruined his necessaries as to return to his corps entirely destitute. The soldier views solitary confinement with a more fixed and determined dislike. |
| *Major Trevelyan, Depot, 1st Battalion, 60th Foot* | They profess to think them severe, when questioned; but they do not really consider them so, and talk lightly of them to their comrades. |

| OFFICER'S NAME. | ANSWER. |
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| *Lt.-Col. Ellis*, 2*d Batt.* 60*th Foot* . . . . . | Solitary confinement is not regarded as disgraceful, but hard labour in a public prison is so considered. The tread-mill is harassing and irksome to the worst characters. |
| *Colonel Darley*, 61*st Foot* (Ceylon) . . . . . | They look upon solitary confinement with abhorrence, but hard labour is not so dreaded. |
| *Major Forbes, Depot*, 61*st Ft.* | Believing the punishment of solitary confinement to have a beneficial effect on the conduct of men not naturally depraved, he concludes that it is represented as irksome by those who have suffered it. Hard labour on the generally bad character has but little effect in most cases. But he remembers an instance of a man who had been corporally punished being subsequently sent to Brixton, who declared that he would rather receive one thousand lashes than go to the tread-mill for three months. |
| *Lt.-Col. Fairtlough*, 63*d Foot.* (Madras) . . . . . | Such men as were sentenced to the public tread-wheel viewed this punishment as a degradation, and so represented it. |
| *Major Freeth, Depot*, 64*th Ft.* | Has known instances in which these punishments, particularly hard labour, have been made a joke of. |
| *Major Farquharson*, 65*th Foot* (West Indies) . . . . . | The generality of men who subject themselves to these punishments do not consider that they carry along with them any permanent stain or disgrace. |
| *Major Walker, Depot*, 65*th Ft.* | Imprisonment with hard labour is spoken of as the punishment most dreaded. |
| *Col. Nicol*, 66*th Ft.* (Canada) | Hard labour is not considered a severe punishment. Solitary confinement is dreaded: indeed, some have been heard to say they would rather undergo corporal punishment. |
| *Maj. Daniell, Depot*, 66*th Ft.* | Suspects that but little impression is made from solitary confinement, as generally carried into effect. |
| *Major Brooke*, 67*th Foot* (West Indies) . . . . . | Has received petitions from prisoners undergoing sentence, and is therefore led to infer that experience or dread has induced them to beg for forgiveness. |
| *Maj. Johnstone, Dep.* 67*th Ft.* | Soldiers in general feel that they have deserved the punishment inflicted, but having paid the penalty of the delinquency, they do not like to have the subject alluded to. Punishment for drunkenness does not, in their opinion, entail any permanent disgrace. |
| *Lieut. Col. Cross*, 68*th Foot* (Gibraltar) . . . . . | In the majority of crimes which soldiers commit they do not view their own conviction and punishment as any disgrace, nor are they shunned by their companions, except for theft. |
| *Maj. Lord W. Paulet, Depot*, 68*th Foot* . . . . . | Very lightly. There are indolent men who would prefer solitary confinement to their duty, and their punishment has little effect and affords no example. |
| *Major Brookes*, 69*th Foot* (West Indies) . . . . . | They regard hard labour with indifference, but have represented solitary confinement as severe. The hard labour in the West Indies is working on the roads, which they do in company, and it is not regarded with dread. Solitary confinement, strictly enforced, has produced contrition in the culprit. No similar result has occurred from hard labour. |
| *Major Monins, Depot*, 69*th Ft.* | Hard labour is decidedly thought to be a light punishment in comparison with solitary confinement. But much depends upon the season. |
| *Col. Evans*, 70*th Ft.* (Gibraltar) | Many men of the regiment, thought incurable drunkards up to December 1828, and who had been repeatedly flogged under such impression, have, since the adoption of the mild but firm system, proved themselves orderly, well-conducted soldiers, though there have been exceptions to this rule. |
| *Maj. Kelsall, Depot*, 70*th Foot* | The feelings of individuals vary as much as the dispositions or the constitutions of men. Some are totally indifferent about solitary confinement; others feel the seclusion severely, when it can be strictly enforced. Some feel the labour of the tread-mill as exceedingly severe, where the bodily frame is not robust. |
| *Lieut.-Col. Peddie*, 72*d Foot* (Cape of Good Hope) . . | As irksome, not severe. During the hot season, the men in solitary confinement have thought themselves as well, if not better off than the men on duty. |
| *Maj. Hall, Depot*, 72*d Foot* . | Men who have come from hard labour in a well regulated prison, where a severe discipline is maintained, speak of it in terms calculated to deter others. |
| *Major Lloyd*, 73*d Foot* (Mediterranean) . . . . | Is not prepared to answer this question, but has heard hardened offenders request to be flogged in place of being confined, but cannot say whether from choice or a wish to deceive. |
| *Maj. Hamilton, Depot*, 73*d Ft.* | The men do not stand in awe of solitary confinement, but they have represented hard labour as exceedingly irksome. |
| *Leut.-Colonel Mein*, 74*th Foot* (West Indies) . . . . . | In general lightly, especially by hardened offenders. |
| *Maj. Crabbe, Depot*, 74*th Foot* | In many cases, soldiers who have been once confined, on being sentenced to it a second time, have indicated their contempt for the punishment. (*See remarks on corporal punishment.*) |
| *Lieut.-Col. England*, 75*th Foot* (Cape of Good Hope) . . | Their representations to their comrades depend entirely on the mode in which the punishments have been enforced. |
| *Maj. Quill, Depot*, 75*th Foot* . | Solitary confinement is more dreaded by the soldier than hard labour. |
| *Major Clark*, 76*th Foot* (West Indies) . . . . . | The men have expressed great dislike to the tread-mill, and considered it very severe. They have not complained much of other kinds of hard labour. |
| *Maj. Hutchinson, Dep.* 76*th Ft.* | Five out of six regard hard labour as a severer punishment than solitary confinement, and so represent it to their comrades. |
| *Lt.-Col. Bradshaw*, 77*th Foot* | They have appeared to view the punishments with dislike, and have represented them as severe and disagreeable to their comrades. |
| *Major Douglas*, 78*th Foot* (Ceylon) . . . . . | Solitary confinement for a lengthened period appears to have a beneficial effect on the soldier, but hard labour not so often. |
| *Maj. Adams, Depot*, 78*th Foot* | Hard labour in a bridewell is considered a severe punishment, the allowance of food being scanty; but solitary confinement, either in a gaol, or the cell of a barrack, is little dreaded, the allowance of food in both cases being ample. |
| *Lt.-Col. M'Dougall*, 79*th Foot* (Canada) . . . . . | Culprits, even the most abandoned, view these punishments, when strictly carried into effect, and particularly solitary confinement, with abhorrence, and express themselves accordingly. |
| *Maj. Ferguson, Depot*, 79*th Ft.* | The men released have declared their disgust openly, and would suffer anything rather than return to bridewell. |
| *Lieut.-Col. Pitt*, 80*th Foot* . | All hard labour, but the tread-mill, is spoken lightly of to their comrades. Solitary confinement, when it has been rigidly enforced, can be made very severe, and it has, in some cases, made a lasting impression, and proved a good example to others. |
| *Lieut.-Col. Maclean*, 81*st Foot* | Solitary confinement, under the present system, has but little effect, the cells being ill constructed. It is a common practice among the prisoners to converse and sing; and, |

| OFFICER'S NAME. | ANSWER. |
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| | recently, orders have been given for the supply of bedding. This punishment is, therefore, lightly regarded by the soldier. |
| *Lieut.-Col. Hogarth*, 82*d Foot* | Variously, according to the system of prison discipline adopted. From Glasgow bridewell the men have returned to the regiment much reduced and an example to their comrades. In other bridewells the punishments are trifling, and of course attended with bad effects. |
| *Lieut.-Col. Dundas*, 83*d Foot* (Nova Scotia) . . . . | While undergoing the punishment they appear to feel the restraint, but the majority do not appear sensible that there is any disgrace attached to it. |
| *Maj. Trydell, Depot*, 83*d Foot* | The young soldiers view solitary confinement with dislike, but the old soldiers seldom express regret, considering it a respite from their military duties, and the rate of pension not likely to be effected by their misconduct. |
| *Maj. Nicholl, Depot*, 84*th Foot* | They appear to have viewed their punishments in a severe light, and more particularly regretted the loss of their pay. |
| *Colonel Warburton*, 85*th Foot* | They speak lightly of solitary confinement, but complain bitterly of the tread-mill. |
| *Major Stuart*, 86*th Foot* (West Indies) . . . . | Men who have been at hard labour in this colony (Demerara) have not viewed the punishment in a serious light, nor did they appear at all unhappy. Their employment has been keeping the parade-ground in order, or cutting brushwood. Those who have been at the tread-mill expressed great dislike to it. Solitary confinement in this climate not beneficial; it promotes listlessness and indolence, and, if strictly enforced for any length of time, may produce injury to health. |
| *Capt. Creagh, Depot*, 86*th Ft.* | There are few who in secret do not regret their punishment and the misconduct which caused it, although they are much inclined, in conversation with their comrades, to underrate and represent in a trivial light any description of punishment they have undergone. |
| *Lt.-Col. Streatfeild*, 87*th Foot* (Mauritius) . . . . . | From the frequent repetition of offences, immediately on release from confinement, either solitary or otherwise, he is led to believe that the soldiers view the punishment with indifference. Indeed, he has known soldiers, when the ordinary duty was severe, declare that they would rather be prisoners at hard labour than doing their duty. |
| *Capt. Doyle, Depot*, 87*th Foot* | Has heard from the non-commissioned officers, that the men do not appear to care much for either punishment, and that some have said they would as soon be in confinement as anywhere else. |
| *Colonel O'Malley*, 88*th Foot* (Mediterranean) . . . | Men on returning to barracks from hard labour have joked and spoken with indifference of the punishment, partly because the nature of the labour was not severe and they were also too well fed and lodged during their imprisonment, and partly because, during their imprisonment, they were shut up at the close of the day with defaulters from different regiments, with whom they could converse and joke. Drunkards appear to dread marching-order drill much more than trial by Court-Martial. Men from strict solitary confinement have, for some time at least, been more regular in their habits. |
| *Maj. O'Hara, Dep.* 88*th Foot* | They view the punishment of hard labour in a worse light than solitary confinement, except the latter is inflicted with a diet of bread and water only. Many have been heard to say they would rather be flogged than go to the Maidstone tread-mill. |
| *Lieut.-Col. Jones*, 89*th Foot* . | Solitary confinement, rigorously inflicted, would be a trying punishment, particularly to young soldiers; but it would be viewed otherwise by hardened offenders and malingerers. At present, generally speaking, this punishment is not represented in a light to deter others from incurring it. Hard labour has, in some few instances, had a good effect, and when judiciously conducted, and under proper restrictions, would prove an efficient punishment. |
| *Lt.-Col. Arbuthnot*, 90*th Foot* | With the exception of Glasgow gaol, where the discipline is very strict, they have cared very little for the punishments; and numerous instances could be cited in which they have stated that they cared more for the maximum of the commanding officer's punishment, viz. forty-eight hours' black-hole, seven days' defaulter's room, and thirty days' punishment-drill, than imprisonment or confinement. They are, in the former case, always before the eyes of their comrades; while in gaol they state that they have nothing to do, are well fed, and lead an idle life. Indeed, idle worthless fellows prefer being in prison to doing their duty. "This may be strong language, but it is correct." |
| *Lieut.-Col. Anderson*, 91*st Foot* | The prison discipline in Ireland is very defective, and in some instances he believes that soldiers would prefer imprisonment in public gaols, either solitary or for hard labour, rather than undergo the regimental punishment as defaulters. |
| *Lt.-Col. M'Donald*, 92*d Ft.* (Gibraltar) . . . . . | They dread hard labour only when it is strictly and severely enforced, the tread-mill particularly; but they make light of the mode in which hard labour is generally carried on, and also of solitary confinement. One man of very bad character, upon his return to the regiment, was heard to boast that he had been only six days at hard labour out of four months, having been employed on some trifling work about the gaol, and superintending the custody of others. He even obtained the situation for a comrade, as bad as himself, when his own time was up. This same soldier was again sentenced to four months hard labour, and it is not improbable that he committed the offence with the hope of obtaining his former comfortable situation in the prison. |
| *Major Winchester, Dep.* 92*d Foot* . . . . . | Imprisonment with hard labour they represent to be severe; for, besides the labour, they are badly fed. |
| *Lt.-Col. M'Gregor*, 93*d Foot* | They have generally regarded solitary confinement with greater abhorrence than imprisonment with hard labour, at least when solitary confinement has been duly enforced, which is rarely the case in garrisons either at home or abroad. |
| *Lieut.-Col. Paty*, 94*th Foot* . | The men have a great dread of solitary confinement. |
| *Major Milner, Depot*, 94*th Ft.* | They regard hard labour with more dread, and consider it more severe and irksome than solitary confinement. |
| *Lieut.-Col. Campbell*, 95*th Foot* | They view solitary confinement with dislike, and it produces a salutary feeling upon them. Hard labour seems to make but little impression in consequence of the means used not being sufficient. |
| *Major Wrottesley, Depot*, 95*th Foot* . . . . . | From the general bad character of the men who have undergone those punishments it is impossible to obtain accurate information on this point. Instances have been known of men committing crimes to suffer this punishment in preference to a constant attendance upon drill and confinement to barracks. |

| OFFICER'S NAME. | ANSWER. |
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| *Lt.-Col. Cairncross, 96th Foot* (Nova Scotia) | From want of the proper means of putting hard labour into complete effect, the culprits have viewed this punishment lightly. Many of these hardened offenders would rather be so employed than doing their duty as soldiers, more particularly during the winters in Nova Scotia, which are so severe as to preclude the possibility of hard labour being properly carried into effect. |
| *Major Hill, Depot, 96th Foot* | They have represented the punishment of solitary confinement in very light terms, stating that they would rather undergo it than knapsack-drill: while they have viewed hard labour as more severe than corporal punishment. |
| *Colonel Hamilton, 97th Foot* (Ceylon) | They have felt the punishments according to their dispositions. They do not seem to feel any shame, nor has either mode of punishment deterred others. |
| *Capt. Smith, Depot, 97th Foot* | Those who have undergone solitary confinement have viewed this punishment with perfect indifference, and invariably, in presence of their comrades, treated it with levity. This may be attributable to the barrack-cells not being well constructed so as to prevent conversation, and the quantity of food allowed. The hard labour in the county-gaol at Cork was most severe as to labour and lowness of diet, and as such represented to their comrades. |
| *Lt.-Col. M'Caskill, 98th Foot* (Cape of Good Hope) | Hard labour is more unwelcome than solitary confinement; but he doubts whether either has produced much permanent impression or salutary dread. |
| *Maj. Le Marchant, Dep. 98th Foot* | Confinement and absence from the enjoyments of life and exercise are certainly the severest punishments to a soldier. But the sufferer takes a pride in concealing from his comrades the full force of his feelings under such privation. |
| *Lt.-Col. Johnston, 99th Foot* (Mauritius) | They are considered disgraceful by some men; and solitary confinement has been represented more intolerable than hard labour. |
| *Major Macpherson, Depot, 99th Foot* | They do not in general represent these punishments as disgraceful; but hard labour has been represented as very severe. That, however, depends on the discipline of the gaol. |
| *Major Hope, 1st Batt. Rifle Brigade* (Nova Scotia) | They do not view these punishments as very irksome, as they escape all duties whilst undergoing punishment. They represent them in that light to their comrades. |
| *Lieut.-Col. Eeles, Depot, 1st Battalion, Rifle Brigade* | The light in which these punishments will be viewed depends on the natural disposition of the man. Some few are sulky, the generality penitent. Has reason to believe that many men would rather undergo thirty days' solitary confinement, when they escape all duties, than be confined for a like number of days to barracks when they are obliged to do all guards and fatigues, attend parades, &c. |
| *Colonel Brown, 2d Batt. Rifle Brig.* (Mediterranean) | Except in the case of hardened offenders, they have in general represented these punishments as irksome and severe: but, from want of proper establishments, hard labour has never been properly enforced in this command. In general they have a greater dread of solitary confinement, but this depends very much on their temper. |
| *Captain Gosset, Depot, 2d Battalion Rifle Brigade* | Some of the men, when at hard labour, complained of the hardship of it to their comrades, and stated, that if once released they would become good soldiers. |
| *Lt.-Col. Doherty, 1st W. Ind. Regiment* (West Indies) | They appear to think very lightly of the labour, and complain only of the loss of pay and of meagre diet. Solitary confinement they evidently dread more. |
| *Lt.-Col. Nicolls, 2d W. India Regiment* (West Indies) | The black soldier thinks solitary confinement comparatively a comfort, and a release from drills, parades, guards, and nightly sentry, and thinks very lightly of hard labour. |
| *Major Fletcher, Ceylon Reg.* (Ceylon) | They consider hard labour as a more severe punishment than solitary confinement, and have so represented it. |
| *Major Burney, Cape Riflemen* (Cape of Good Hope) | As very unpleasant, and particularly so during the cold months. |
| *Major de Piro, Malta Fenc.* (Malta) | Soldiers think very lightly of imprisonment. He has even found better results by confining them to barracks. |
| *Maj. Du Bourdieu, Pro. Batt.* | Some have represented their punishments as severe; others have appeared to brave them and affect an indifference to them. |
| *Lt.-Col. Brunton, 13th Light Dragoons* (Madras) | The light in which they appear to view solitary confinement depends entirely on the character of the men. Those of tolerable character, who from indiscretion are led into offences, consider the punishment as serious, and have not again incurred it; whilst those accustomed to crime have viewed it with indifference. |
| *Lieut.-Col. Dennis, 3d Foot* (Bengal) | They care but little about it, and turn it into ridicule, especially when it is the award of a general Court-Martial, as in that case, in India, the culprits are confined in some fort at a distance, where they are not so closely watched and looked after as at head-quarters. |
| *Lieut.-Col. Custance, 9th Foot* (Mauritius) | One-half of those convicted care very little about it—they are callous to anything; but it no doubt deters others. |
| *Lieut.-Col. Green, 20th Foot* (Bombay) | He has reason to believe that solitary confinement is much disliked by the men. Has known several speak of it with much dread, but it does not make any permanent impression. |
| *Lieut.-Col. Piper, 38th Foot* (Bengal) | With the exception of thirty or forty incorrigible men, some of them recruits of 1825 and 1826, and many of them volunteers from other corps, who laugh at any punishment, and represent confinement as an idle lazy life, there is seldom a delinquent in the corps. |
| *Major Poole, 39th Foot* (Madras) | Solitary confinement to the present limited extent, by regimental Courts-Martial particularly, is not viewed by soldiers as a severe punishment. |
| *Lieut.-Col. Boys, 45th Foot* (Madras) | Has reason to believe that the men look on solitary confinement as a greater punishment than corporal punishment. (*See remarks on corporal punishment.*) |
| *Lieut.-Col. Fane, 54th Foot* (Madras) | Soldiers feel solitary confinement to be a severe punishment, and they often represent their sufferings under it in such terms as must be of service to their comrades, such as the distress of mind, and restlessness they have felt, and the reviewing over, day after day, their loss of pay and service. |
| *Major Hunt, 57th Foot* (Madras) | They do not at all like solitary confinement, and have begged hard for a remission of part of their sentence, promising much amendment. |
| *Major Cramer, 62d Foot* (Madras) | Generally, as respects solitary confinement, they show little concern about it, and the punishment does not appear to be held in such dread as to produce the expected benefits to the service. |
| *Major Pritchard, 71st Foot* | They seem to care very little about these punishments. As far as he can ascertain, the only remark they have made to their comrades has been, that they prefer imprisonment at Dundee to Aberdeen, and both to the bridewell at Edinburgh. |

# SUBSTANCE

OF THE

# OPINIONS GIVEN BY THE GENERAL AND REGIMENTAL OFFICERS

(*Continued*).

| OFFICER'S NAME. | ANSWER. |
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| *Maj.-Gen. Sir C. D'Albiac* | Habits deteriorated. Health not materially affected. |
| *Maj.-Gen. Sir T. M'Mahon* | Habits more hardened in many instances. Health not materially affected.. |
| *Maj.-Gen. Sir W. Cotton* | Health not affected: but time in hospital being now deducted, much trickery is practised to get removed to hospital. |
| *Maj.-Gen. Sir H. Bouverie* | Some much worse from fatigue after two months at the tread-mill; but the health of the men on their release is generally good. |
| *Colonel Sir L. Greenwell* | Believes that these punishments have not improved the habits of the soldier. Health not impaired. |
| *Major-General Ross* | Habits materially injured by confinement in public prisons. Generally speaking, health but little affected. |
| *Maj.-Gen. Sir E. Blakeney* | Health of men, imprisoned with hard labour, has been rather improved than otherwise; the strength of men undergoing solitary confinement reduced. |
| *Major-Gen. Sir J. Douglas* | Health not impaired. In gaol they learn no good. |
| *Maj.-Gen. Sir T. Arbuthnot* | Habits of tolerably well-conducted men, occasional defaulters, sometimes improved by short solitary confinement; but the hardened offender is seldom reclaimed by any mode of punishment. Health not affected. |
| *Major-Gen. Sir F. Ponsonby* (Malta) | Habits not improved. Health not impaired. |
| *Major-Gen. Sir S. Chapman* (Bermuda) | In most cases health improved from inability to obtain liquor. |
| *Major-Gen. Sir Lionel Smith* (West Indies) | Habits of younger soldiers improved by solitary confinement—health not affected. Imprisonment, with hard labour, has no beneficial result on the habits; but the health is improved by abstinence from liquor. |
| *Major-General Middlemore* (Grenada) | Health not materially injured. |
| *Major-Gen. Sir Carm. Smyth* (Demerara) | Habits not generally improved, although some who have been at the tread-mill have reformed; but the same men come over and over again before the Courts-Martial. Health not impaired, but on the contrary the men kept at labour improve in health. |
| *Maj.-Gen. Sir Colin Campbell* (Nova Scotia) | Men, radically vicious, are seldom improved by confinement of any kind. Solitary confinement more likely to render a bad character hardened and morose. |
| *Maj.-Gen. Sir Amos Norcott* (Jamaica) | Solitary confinement has improved the habits of the released men, but he does not remember any instance of improvement resulting from imprisonment with hard labour. Their health has been infinitely more visibly affected by solitary confinement. |
| *Col. Arthur* (Van Diemen's Land) | Has no doubt that the effect of punishment under the present system is in the majority of cases injurious: it renders those bad habits permanent, which, had the soldier not been punished, might have been evanescent, and perhaps dependent on his particular associates at the time. It has in no instance been brought to his knowledge that the health of the men has been affected. |
| *Col. Lygon, 1st Life Guards* | The released men act with caution for a time. Health not affected. |
| *Col. Lygon, 2d Life Guards.* | Habits in many cases much improved. Health not affected. |
| *Col. Hill, Royal Horse Gds.* | Habits in many cases much improved. Health not affected. |
| *Col. Sir G. Teesdale, 1st Dragoon Guards* | Habits not improved. Health nearly the same as when committed. |
| *Maj. Kearney, 2d Dragoon Guards* | Habits of the bad characters have not improved. Health, in some instances of drunken and dissipated men, has improved. |
| *Lt.-Col. Story, 3d Dn. Gds.* | Habits seldom improved. Health never essentially affected. |
| *Lt.-Col. Chatterton, 4th Dragoon Guards* | No change for the better in their habits. Health not at all affected. |
| *Maj. Scarlett, 5th Dn. Gds.* | Habits not materially altered in general. Health in some cases improved; not aware of any injury having occurred. |
| *Lt.-Col. Wildman, 6th Dragoon Guards* | There are a certain number of men who totally disregard these punishments. Health not materially affected. |
| *Lt.-Col. Clark, 7th Dn. Gds.* | Habits not improved. Health invariably improved, as they have less work and more rest in gaol than on duty. |
| *Lt.-Col. Somerset, 1st Dragoons* | Habits not altered for the worse; frequently there is an improvement for a short time. They return in general pale and thin, but soon regain their usual appearance. |
| *Maj. Wyndham, 2d Dragoons* | Habits not much improved after hard labour. Some reformation has occasionally appeared after solitary confinement. The gloomy cells of a prison are well calculated to enforce seriousness of thought and reflection. A barrack-yard is not calculated to punish an offender, from its situation. Prolonged solitary confinement may be seriously injurious to health, from its inducing nervous complaints. |
| *Lt.-Col. Slisted, 3d Lt. Dns.* | Neither. |
| *Lt.-Col. Fendall, 4th Lt. Dns.* (Bombay) | Both for the better. The good effect upon their health may be accounted for by abstinence, so necessary in a warm climate, and by prevention of exposure to the sun. |
| *Lt.-Col. Madox, 6th Dragoons* | The men are generally better behaved. In some instances the health has suffered seriously from want of exercise. |
| *Lt.-Col. Hill, 7th Lt. Dragoons* | Habits not improved. Health not affected. |
| *Lieut.-Col. Molyneux, 8th Lt. Dragoons* | No material alteration in their habits, nor in their health, except in the cases of drunkards, whose health is improved by their abstinence from liquor. |
| *Lt.-Col. Campbell, 9th Lt. Dns.* | Has had few opportunities of judging as to their habits. No man's health appeared affected. |
| *Lt.-Col. Lord T. Cecil, 10th Light Dragoons.* | Has not observed any permanent improvement from either punishment. Health generally benefited. |
| *Lt.-Col. Brutton, 11th Light Dragoons* (Bengal). | Almost all who have been under sentence are habitual drunkards. They generally return to their former habits. Health improved by abstinence from liquor while in confinement. |
| *Lt.-Col. Stawell, 12th Lt. Dns.* | Habits not materially altered. Health not impaired. |
| *Lt.-Col. Townsend, 14th Lt. Dragoons* | Habits of the larger proportion improved. Health of none affected. |
| *Lt.-Col. Badcock, 15th Light Dragoons* | With few exceptions, the habits have not improved. Health never impaired; some indeed have returned from hard labour in better condition than before. |
| *Lt.-Col. Lord Bingham, 17th Light Dragoons* | When properly inflicted, the habits of all but the irreclaimable have improved. Health never essentially nor permanently affected. |

| OFFICER'S NAME. | ANSWER. |
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| *Colonel Sir John Woodford, Grenadier Guards* | In general, imprisonment with hard labour does not produce injurious effect upon the health. In solitary confinement, at the head-quarters of the regiment, the man's health is carefully watched. |
| *Col. Fremantle, Coldst. Gds.* | Habits, generally speaking, not improved. After first return from hard labour they are emaciated and enfeebled. |
| *Col. Keate, Scots Fus. Guards* | With few exceptions, their habits are not materially altered. Health certainly by no means affected. |
| *Lt.-Col. Carter, 1st Batt. 1st. Foot* (West Indies) | Habits much the same. Health improved. |
| *Lt. Col. Wetherall, 2d Batt. 1st Foot* | Habits of men imprisoned with hard labour in all gaols but Glasgow have materially altered for the worse. Young men confined in that gaol have in several instances much improved. Health in Glasgow bridewell essentially affected. The hard labour there consists of picking cotton in separate cells. The task assigned is as much as a man can perform from morning to night, and if not performed he loses his meal. |
| *Maj. Deuchar, Depot, 1st Ft.* | Habits in most cases improved. Health not at all affected. |
| *Captain Jackson, 2d Foot* (Bombay) | Habits of many materially improved. Health of those confined for drunkenness benefitted by abstinence from liquor. |
| *Lieut.-Col. Breton, 4th Foot* (New South Wales) | Is of opinion that punishment does little in the way of reformation; its chief effect is as an example to deter the wavering. Long confinement has produced temporary ill health. |
| *Lt.-Col. Sutherland, 5th Foot* (Mediterranean) | Habits not materially altered, at least, for the better. Health not injured: it is, on the contrary, a singular fact, that during the prevalence of cholera at Gibraltar, in the summer of 1834, not a single case occurred in the Provost, although it was crowded at the time with the most dissipated characters of the garrison. |
| *Maj. Lord C. Wellesley, Depot, 5th Foot* | The men generally return to the same habits. |
| *Lt.-Col. Farquharson, Depot, 7th Foot* (Mediterranean) | Habits the same. Health certainly improved from being constantly sober. |
| *Maj. Lord W. Thynne, Depot, 7th Foot* | Long imprisonment, whether solitary or with hard labour, has materially affected the health in many cases. |
| *Lt.-Col. Cathcart, 8th Foot,* (Jamaica) | Habits reformed in very few instances. Health in northern climates not materially altered, and in warm climates even the intemperate have derived benefit from the necessary abstinence. |
| *Capt. Machen, Depot, 8th Ft.* | Habits not generally altered. Health not at all affected. |
| *Major Champain, Dep. 9th Ft.* | Habits much improved, with few exceptions. Old and hardened offenders have quite changed after the tread-mill. Health has never suffered; in some it has improved. |
| *Lieut.-Col. Freer, 10th Foot* (Mediterranean) | Habits not generally improved: in some cases the desired effect has been produced. Health not affected. |
| *Major Allen, Depot, 10th Ft.* | Habits in most instances the same. Health has not suffered. |
| *Major Derinzy, 11th Foot* (Mediterranean) | After solitary confinement of some duration their habits do appear altered until the recollection of it fades away. Health not at all affected. |
| *Lt.-Col. Bisshopp, Dep. 11th Ft.* | Where, as in Brecon gaol, the soldiers have been separated from other prisoners, their habits have improved. Health less affected by hard labour than solitary confinement. |
| *Lt.-Col. Turbervill, 12th Ft.* | Does not think there has been much difference in their habits. Certainly their health was not affected. |
| *Lieut.-Col. Sale, 13th Foot* (Bengal) | Habits rarely altered. Health not affected after they have been at large for a short time, although it has been sometimes necessary to increase the quantity of food in confinement. |
| *Lieut.-Col. Everard, 14th Ft.* | Habits generally and materially altered for the worse. Health of some essentially affected. |
| *Lieut.-Col. Horton, 15th Ft.* (Canada) | No. |
| *Maj. Drought, Depot, 15th Ft.* | Generally speaking, their habits are much improved, and their health in no instance impaired. |
| *Lt.-Col. Campbell, 16th Ft.* (Bengal) | The soldiers of the 16th were kept as much as possible from intercourse with other prisoners, and their characters did not alter for the worse. Health rather improved from abstinence. |
| *Lt.-Col. Despard, 17th Foot* (New South Wales) | After solitary confinement only, men have been more humble and submissive. Health has not suffered. |
| *Colonel Burrell, 18th Foot* | The habits of the old soldiers are but little changed; the young have improved. Health not impaired in any case. |
| *Lieut.-Col. Hardy, 19th Foot* (West Indies) | Tempted into drunkenness, men relapse into crimes according to their temper and dispositions. Health not much affected; some seem to make a convenience of the hospital since the Secretary at War's decision that their time there shall reckon as part of the punishment. |
| *Maj. Raper, Depot, 19th Ft.* | Some have improved in their habits. Health not affected. |
| *Lieut.-Col. Leahy, 21st Foot* (New South Wales) | In a few instances only. |
| *Captain Keappock, 22d Foot* (Jamaica) | Habits appear the same. Health never materially affected. |
| *Maj. Pennefather, Depot, 22d Foot* | The health of culprits has suffered materially from imprisonment in the West Indies. |
| *Lt.-Col. Harrison, 23d Foot* (Gibraltar) | Habits not often improved. Health not impaired; but, on the contrary, in some cases materially benefitted. |
| *Major Ross, Depot, 23d Foot* | Habits not materially altered. Health has in no instance suffered. |
| *Col. Tidy, 24th Foot* (Canada) | Several men have been improved in conduct. Health has never suffered. |
| *Major Kelly, Depot, 24th Foot* | "No, I have not." |
| *Major Young, 25th Foot* (Demerara) | "No, I have not." |
| *Maj. Priestley, Depot, 25th Ft.* | The men imprisoned in 1833, who have since served with the depot, have improved in their habits; but of the eighteen committed to different gaols and bridewells for the three preceding years, ten either deserted soon after their release or had contracted vicious habits from their gaol-associates. Health has been affected, but not materially, after three months' hard labour. |
| *Lt.-Col. Oglander, 26th Foot* (Bengal) | Their habits must be altered in proportion to the degree of reformation effected. Health not impaired; but, on the contrary, frequently improved from the nature of the prison diet. |

| OFFICER'S NAME. | ANSWER. |
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| *Lieut.-Col. Hare*, 27*th Foot* | Habits certainly improved, with the exception of men of reckless character. Health affected, but not at all materially, from solitary confinement. |
| *Major French*, 28*th Foot* | Never, in either case. |
| *Lt.-Col. Simpson*, 29*th Foot* (Mauritius) | The bane of the service in this colony is arrack. Men invariably fly to it on being released from confinement. Health has been materially affected from hard labour in the Mauritius. |
| *Maj. Walter, Depot*, 29*th Foot* | Some men of bad character have resumed their irregular habits. Health not in any way affected. |
| *Lt.-Col. Robinson*, 30*th Foot* (Bermuda) | Habits have not materially altered, except in a few instances of violent men appearing subdued by solitary confinement. Health in many cases has improved. |
| *Maj. Ormond, Depot*, 30*th Ft.* | Habits not improved. Health not impaired: men have got stouter in prison. |
| *Major Wingfield*, 32*d Foot* (Canada) | Habits not improved. Health not affected. The young soldier is contaminated by the associates of a gaol; the old returning from hard labour is frequently improved in health from abstinence from spirits, and from having a greater portion of rest than a soldier at his duty. |
| *Major Palk, Depot*, 32*d Foot* | Generally speaking, there is no change in the habits of the men released from solitary confinement; but the habits have materially altered for the worse on release from hard labour. He quotes an instance of this. (*See remarks on corporal punishment.*) Health more or less affected from solitary confinement, as the cells are damp and badly ventilated. |
| *Lteut.-Col. Knight*, 33*d Foot* | Habits not much altered. In some few cases of long confinement health has been affected. |
| *Lieut.-Colonel Fane*, 34*th Ft.* (New Brunswick) | No. |
| *Capt. Brisbane, Depot*, 34*th Ft.* | Habits have not in any degree altered. Health has not suffered. |
| *Lieut.-Col. Goldie*, 35*th Foot* | When released from county-gaols their habits were not materially altered; but from the Dublin Provost prison they were decidedly improved. Health has not suffered in any case. |
| *Major Cairnes*, 36*th Foot* (West Indies) | Not in the least. |
| *Capt. Hare, Depot*, 36*th Foot* | Has known a robust man of a violent disposition broken in body and ruined after three months' solitary confinement. This man had received severe corporal punishment without any apparent effect either on his health or conduct. |
| *Major Manners*, 37*th Foot* (Jamaica) | Has observed but little improvement in their habits. Health has been injured in no instance. |
| *Major Kell, Depot*, 37*th Foot* | Habits of released men have decidedly improved. Health not in any way affected. |
| *Maj. Jebb*, 40*th Foot* (Bombay) | Habits not much altered. Health not materially, or not at all, affected. |
| *Col. Sir E. K. Williams*, 41*st Foot* (Madras) | Has not observed much improvement in individuals; but is satisfied that solitary confinement is the best punishment for crime. Health has often improved from confinement. |
| *Lieut.-Col. Sir C. Gordon*, 42*d Foot* (Mediterranean) | The improvement in the habits of the released men has been but temporary. Health not affected by solitary confinement in Europe; but in tropical climates both health and spirits are so much injured by it that it can only be had recourse to in a very limited degree. |
| *Maj. Johnstone, Depot*, 42*d Ft.* | The period of punishment has been too short to produce any great moral change, nor has the health in any instance been affected. But it is by a good system of secondary punishments that much of the crime of a regiment may be prevented, and some change is perhaps required in the regulations in this respect. |
| *Lieut.-Col. Booth*, 43*d Foot* | Habits generally altered for the better. Those confined for drunkenness have been corrected chiefly by the forfeiture of a portion of pay. Health not essentially affected. |
| *Colonel Elrington*, 47*th Foot* (Gibraltar) | A small proportion have improved in conduct. Men have appeared weak after a long period of solitary confinement. |
| *Major Sadleir, Depot*, 47*th Ft.* | In common cases the reformation takes place after suffering the first punishment. In no case can the health suffer, as it is watched carefully by medical officers. |
| *Lt.-Col. Bell*, 48*th Foot* | Habits not materially altered. Health not essentially affected. |
| *Lt.-Col. Bartley*, 49*th Foot* (Bengal) | Habits are temporarily improved, but they soon relapse into a repetition of the offence. From the nature of the climate imprisonment or solitary confinement is less prejudicial to health than elsewhere. |
| *Lt.-Col. Wodehouse*, 50*th Ft.* (New South Wales) | In most instances men confined in public prisons have returned worse in their habits than they were before. Health not impaired. |
| *Major Ryan, Detach.* 50*th Ft.* | Habits not in any way altered. Health not affected. |
| *Major St. John*, 52*d Foot* | Very little alteration perceptible in their habits. Health never essentially affected. |
| *Capt. Considine*, 52*d Foot* | Habits improved in few cases only. Health not essentially injured. |
| *Lt.-Col. Considine*, 53*d Foot* (Mediterranean) | Habits not improved from hard labour when performed in county-gaols; but great improvements have resulted from solitary confinement. Health never essentially affected. |
| *Major Butler, Depot*, 53*d Foot* | Has seen no material alteration in their habits. With the exception of men who have been confined in the New Bailey prison at Manchester, and who have always come out in a weak and reduced state, the health has not been affected. |
| *Lt.-Col. Craigie*, 55*th Foot* (Madras) | Has not observed much permanent alteration in the habits of the men, at least in a few whose habits are too much confirmed by a long residence in India to be affected by any punishment. Has never known an instance in which health has been injured by solitary confinement. |
| *Lt.-Col. Prichard*, 56*th Foot* (Jamaica) | Habits improved in many cases. Health has not suffered. |
| *Major Eden, Depot*, 56*th Foot* | Habits not materially altered. In one instance only health affected. |
| *Colonel Clifford*, 58*th Foot* (Ceylon) | Habits not materially altered. Health not impaired. |
| *Maj. Ricketts, Depot*, 58*th Foot* | Habits are better; health never much affected. |
| *Lieut.-Col. Fuller*, 59*th Foot* (Gibraltar) | Solitary confinement, if for any length of time, appears to hurt the health of the men; hard labour does not. |
| *Maj. Gordon, Depot*, 59*th Foot* | Solitary confinement rarely injures the health; hard labour sometimes does. |
| *Lieut.-Col. Tunbury*, 1*st Batt.* 60*th Foot* (Mediterranean) | Habits in some cases much improved; in others rather the contrary: but this latter is perhaps attributable to the imperfect mode in which the sentences have been carried into execution. In no instance has general health been affected. |
| *Major Trevelyan, Depot*, 1*st Batt.* 60*th Foot* | No. |

| OFFICER'S NAME. | ANSWER. |
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| *Lieut.-Col. Ellis*, 2*d Batt.* 60*th Foot* | Habits of the majority not altered. Health not affected. |
| *Col. Darley*, 61*st Ft.* (Ceylon) | In some few cases habits have undergone alteration. Health has not suffered. |
| *Maj. Forbes, Depot*, 61*st Foot* | Young and tolerably good soldiers amend their conduct after solitary confinement; but very irregular men have been rarely much improved by either. Health in no instance essentially or permanently affected. |
| *Lt.-Col. Fairtlough*, 63*d Foot* (Madras) | Habits improved. Health not permanently affected. |
| *Lt.-Col. Kirkwood*, 64*th Foot* (Jamaica) | Some have altered, latterly much for the better. In Great Britain health not affected: in this climate it is quite the reverse, "and very often fatal." |
| *Maj. Freeth, Depot*, 64*th Foot* | Has not observed any alteration in these particulars. |
| *Major Farquharson*, 65*th Foot* (West Indies) | In young soldiers solitary confinement has induced an apparent disposition to amend. Health not affected, and that of drunkards even improved by hard labour in this climate. |
| *Maj. Walker, Depot*, 65*th Ft.* | Generally speaking, more improvement has resulted from hard labour than solitary confinement. Health not injured in either case. |
| *Col. Nicoll*, 66*th Ft.* (Canada) | Habits not materially altered. Health not at all impaired. |
| *Maj. Daniell, Depot*, 66*th Ft.* | Habits not materially altered. Health in a few instances seriously affected from solitary confinement. |
| *Maj. Brooke*, 67*th Ft.* (West Indies) | Habits improved. Health affected by solitary confinement, but not by hard labour. In the West Indies the more men have to do the better health they enjoy. |
| *Maj. Johnston, Dep.* 67*th Ft.* | Has not observed any alteration in habits: but health frequently improved during confine ment, from abstinence. |
| *Lieut.-Col. Cross*, 68*th Foot* (Gibraltar) | Habits not improved, from the imperfect manner in which the punishments are inflicted. Health not materially affected. |
| *Maj. Lord W. Paulet, Depot*, 68*th Foot* | Not in any way. |
| *Major Brookes*, 69*th Foot* (West Indies) | Habits not materially altered except in two or three instances. Health not injuriously affected, but in some cases improved, from abstinence. |
| *Maj. Monins, Depot*, 69*th Foot* | Habits of one man materially improved from hard labour. Health never essentially affected. |
| *Colonel Evans*, 70*th Foot* (Gibraltar) | Effective solitary confinement has produced most salutary results. Health has not suffered in any instance. |
| *Maj. Kelsall, Depot*, 70*th Foot* | Those who have been sent to hard labour in public gaols, from being associated with bad characters, become familiarized with crime, and lose those feelings of pride they formerly possessed. |
| *Lt.-Col. Peddie*, 72*d Foot* (Cape of Good Hope) | In general their bad habits have been corrected; and, in all cases, those addicted to drunkenness have had their health much improved. |
| *Maj. Hall, Depot*, 72*d Foot* | Habits materially improved. Those released from Glasgow bridewell are not essentially injured in health, but certainly reduced in strength and with subdued spirits. |
| *Major Lloyd*, 73*d Foot* (Mediterranean) | Generally speaking, the men who subject themselves to punishment are bad characters, on whom little impression is made; but some few have improved in conduct. Has never known health suffer. |
| *Maj. Hamilton, Depot*, 73*d Ft.* | Those released from solitary confinement have frequently been absent from barracks, and drunk on the night of their liberation. Those released from hard labour since the sentences have been more severe are much more circumspect. Health has not been materially affected. |
| *Lieut.-Col. Mein*, 74*th Foot* (West Indies) | Habits in some instances not materially altered for the better. Health not affected. |
| *Maj. Crabbe, Depot*, 74*th Foot* | Habits not altered. Health of the drunkard has been improved during confinement, by his abstinence from spirits. |
| *Lt.-Col. England*, 75*th Foot* (Cape of Good Hope) | Habits have generally amended for a time: on some the impression has been more lasting than on others. Health has never suffered; but, on the contrary, the abstinence from liquor, and simple diet, have usually had a beneficial effect. |
| *Maj. Quill, Depot*, 75*th Foot* | Habits of those who have undergone solitary confinement appear generally to be altered for the better. Health not impaired. |
| *Maj. Clark*, 76*th Foot* (West (Indies) | Habits of several of the men much improved. In some instances the health has suffered, and particularly from solitary confinement. |
| *Maj. Hutchinson, Depot*, 76*th Foot* | Habits usually improved. Health seldom materially affected; but sometimes in winter their constitution may be weakened from solitary confinement. |
| *Lt.-Col. Bradshaw*, 77*th Foot* | Habits of the young altered for the better. Health of none affected. |
| *Maj. Douglas*, 78*th Foot* (Ceylon) | Habits not materially altered; but some characters are so depraved that neither of these punishments have any effect. Health generally improved. |
| *Maj. Adams, Depot*, 78*th Foot* | Habits not materially altered. Health of those who have undergone three or four months' confinement in Edinburgh bridewell has been materially affected for some time, some having come out in a half-starved state, and so weak as to be obliged to go to hospital. |
| *Lt.-Col. M'Dougall*, 79*th Foot* (Canada) | Habits of released men are generally materially altered for the better when these punishments have been properly carried into effect; but when the means do not exist for so doing, the morals of some, especially of the young men, are entirely destroyed by the contamination resulting from their association with the depraved and hardened. |
| *Maj. Ferguson, Depot*, 79*th Ft.* | Habits decidedly improved. Health not materially affected. |
| *Lt.-Col. Pitt*, 80*th Foot* | Has not observed any material change in the habits or disposition of the old and hardened offenders, nor in many instances in the young; but is disposed to attribute the failure of the punishments to the laxity of prison discipline. Health has in no instance been materially affected. |
| *Lt.-Col. Maclean*, 81*st Foot* | Habits, with few exceptions, not altered. Health not impaired. |
| *Lt.-Col. Hogarth*, 82*d Foot* | Habits not much altered in general. Health not materially affected. |
| *Lt.-Col. Dundas*, 83*d Foot* | Habits not altered. Health not in general affected. |
| *Maj. Trydell, Depot*, 83*d Foot* | Has known instances of reformation of conduct. Health never essentially affected. |
| *Maj.-Nicholl, Depot*, 84*th Ft.* | Habits in many instances materially altered for the better. Health of men in long solitary confinement much impaired. |
| *Col. Warburton*, 85*th Foot* | Habits in several instances altered for the better. Health never injured. |

| OFFICER'S NAME. | ANSWER. |
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| *Maj. Stuart*, 86*th Foot* . . | Habits not at all altered for the better. Health of men improved by hard labour. |
| *Capt. Creagh*, *Depot*, 86*th Ft.* | Habits not materially altered, nor health essentially affected in either case; but the men, after solitary confinement, are more regular and improved than those from hard labour. The health is perhaps less affected by hard labour; but, from the slovenly habits acquired in gaols, men released from solitary confinement are sooner efficient as soldiers. |
| *Lt.-Col. Streatfeild*, 87*th Foot* (Mauritius) . . . . . | Thinks the habits of drunkards rather confirmed; for, not holding in dread the punishments to which they are amenable, they will speculate on the chance of escape. Has never known a soldier's health impaired by confinement, however long. |
| *Capt. Doyle*, *Depot*, 87*th Foot* | Has seen no improvement in their habits; but, on the contrary, he thinks they become more hardened after every period of confinement. Health does not appear affected. |
| *Colonel O'Malley*, 88*th Foot* (Mediterranean) . . . . | Has not observed any alteration in their habits beyond what he has previously stated. Health not essentially affected. |
| *Maj. O'Hara*, *Depot*, 88*th Ft.* | Habits improved as far as regards sobriety, but this perhaps may arise from their being under stoppages. On returning from imprisonment they appeared weakly, and some have been taken into hospital before they could resume their duties; but their constitutions have not been materially impaired. |
| *Lieut.-Col. Jones*, 89*th Foot* . | Habits not materially altered except in a very few instances. In one instance only has there been any unfavourable result to health. |
| *Lt.-Col. Arbuthnot*, 90*th Foot* | Men who have been confined in public prisons have been reported as keeping bad company; but otherwise their habits are not much altered, and very rarely for the better. Health in no instance affected. |
| *Lt.-Col. Anderson*, 91*st Foot* | Habits rarely changed for the better, but frequently for the worse, after imprisonment in public gaols. Health never essentially affected. |
| *Lt.-Col. M'Donald*, 92*d Foot* (Gibraltar) . . . . . | Not materially. Their health has been invariably good and their looks better than when on duty. |
| *Maj. Winchester*, *Depot*, 92*d Foot* . . . . . | Habits the same. Health not impaired. |
| *Lt.-Col. M'Gregor*, 93*d Foot* | In large garrisons many of the men released from hard labour have returned more dogged and hardened than before, in consequence, probably, of their constant association with men as bad, or worse, than themselves. Solitary confinement has in general produced, for a time, a subduing effect on their spirits. When of long duration, serious injury to the health of the soldier has resulted from it. |
| *Lt.-Col. Paty*, 94*th Foot* . . | Has not observed much alteration in the habits or health of the men; but if the cells are dark, and the sentence for a long period, it is probable their eye-sight would be materially affected. |
| *Maj. Milner*, *Depot*, 94*th Foot* | The health of those who have returned from hard labour has improved. But in two or three instances that have occurred of release from long solitary confinement the eye-sight has been materially affected, even to the total loss of one eye. This is attributable in a great measure to the solitary confinement having been for too long a period in cells that were completely dark. |
| *Lt.-Col. Campbell*, 95*th Foot* . | Habits not materially altered. Health not impaired. |
| *Maj. Wrottesley*, *Depot*, 95*th Ft.* | Their habits as soldiers, on their release from gaol, are altered for the worse. They become dirty, careless, and indifferent, and have lost much of their feeling as soldiers. Their health generally not affected, though there are two or three instances in which there is reason to believe that the health was impaired by hard labour. |
| *Lt.-Col. Cairncross*, 96*th Foot* (Nova Scotia) . . . . . | Habits of some materially altered for the better, but not of hardened offenders. Health always improved by confinement, work, and abstinence from spirits. |
| *Maj. Hill*, *Depot*, 96*th Foot* . | Habits not materially altered. Health in some instances considerably affected from hard labour. |
| *Colonel Hamilton*, 97*th Foot* (Ceylon) . . . . . | Habits not altered for the better. Health not affected. |
| *Capt. Smith*, *Depot*, 97*th Foot* | Habits of men released from solitary confinement have become more depraved, whilst those released from hard labour have manifested a disposition to conduct themselves in an orderly and soldierlike manner. Health from solitary confinement in the barrack-cells not in the slightest degree affected; from hard labour they are weak, from which they soon recover. |
| *Lt.-Col. M'Caskill*, 98*th Foot* (Cape of Good Hope) . . | Habits of the released men not materially altered: some few are improved, but on the greater portion no permanent impression is effected. They may seem reduced by confinement and a sparer diet, but their general health is so watched that they do not suffer; but, on the contrary, frequently improve from forced sobriety. |
| *Major Le Marchant*, *Depot*, 98*th Foot* . . . . . | Much depends on the nature of the man's crime. In cases of insubordination improvement has often been manifested: but in others of repeated absence, and making away with necessaries, they have not been equally efficacious. Health has never materially suffered. In proof of this, he states that a man released after six weeks' confinement attended Devonport Fair on the day of his release, and threw every wrestler opposed to him in the ring, though the first of the county were matched against him. |
| *Lt.-Col. Johnston*, 99*th Foot* (Mauritius) . . . . . | Habits, with few exceptions, not changed. Some individuals have certainly suffered in their health from long periods of confinement; but these were exceptions to the periods usually ordered. |
| *Major Macpherson*, *Depot*, 99*th Foot* . . . . . | Habits not materially altered, nor health essentially affected. |
| *Major Hope*, 1*st Batt. Rifle Brigade* (Nova Scotia) . . | Habits not materially altered. Health not essentially affected. |
| *Lt.-Col. Eeles*, *Depot*, 1*st Batt. Rifle Brigade* . . . | Habits generally altered for the better. Health often much injured by solitary confinement. One young man who was confined in Maidstone gaol, in September, 1833, has not yet recovered his health. He was one of the finest young men and fastest runners in the county. He is now recovering, but still so lame that he cannot march steadily. |
| *Col. Brown*, 2*d Batt. Rifle Brigade* (Mediterranean) . | It is not difficult to discover those who really mean to reform on their release from confinement. They are less cheerful, and more sedate and thoughtful than they have been, while the irreclaimable delinquent comes out with an impudent swagger, and is generally drunk |

| OFFICER'S NAME. | ANSWER. |
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| | before the end of the day. Care is always taken that their health should not suffer materially; but men who have undergone six weeks' solitary confinement are always considerably reduced. |
| *Capt. Gosset, Depot, 2d Batt. Rifle Brigade* . . . . | Habits not improved. Is aware of one case, in which the health of a man in confinement was decidedly injured. |
| *Lt.-Col. Doherty, 1st West Ind. Reg.* (West Indies) . . . | Habits certainly not improved by hard labour. Their health is improved. From solitary confinement they return in a reduced state; but their health not eventually impaired. |
| *Lt.-Col. Nicolls, 2d West Ind. Reg.* (West Indies) . . . | Knows of no instance where the habits of men have been materially altered for the better. In tropical climates rheumatic complaints and fever frequently result from solitary confinement. |
| *Major Fletcher, Ceylon Reg.* (Ceylon) . . . . . | Neither the one nor the other. |
| *Maj. Burney, Cape Riflemen* (Cape of Good Hope) . . | Not materially changed, though a slight improvement is observable. Health not impaired. |
| *Maj. de Piro, Malta Fencibles* (Malta) . . . . . | Men of bad character not the least altered. Health in no instance affected. |
| *Maj. Du Bourdieu, Provis. Batt.* . . . . . | Has observed a material alteration in the habits of some; in others there seemed no change. Health never essentially affected, although some are debilitated when first released. |
| *Lt.-Col. Brunton, 13th Light Dragoons* (Madras) . . | Some years ago the sentences to solitary confinement were for long periods—for a year, or a year and a half, for hardened offenders; and, from some of them braving a second and a third punishment of that description, it was evident it had not altered their habits. Their health was certainly affected for a time, for when released they were in a most emaciated and weakly state; but in general the recovery of their health and strength was rapid. These long imprisonments did not produce good effects. One man was drowned immediately afterwards, not without some suspicion that the act was his own; another, who was imprisoned three times, namely, for six, for three, and for six months, was ultimately transported. |
| *Lieut.-Col. Dennis, 3d Foot* (Bengal) . . . . . | Neither the one nor the other. Health is generally improved, from the abstemiousness they are obliged to practise in confinement. There are several men in the Buffs, and other corps in Bengal, who, to escape drills, duties, and parades for twenty days, would gladly go into the solitary cells if it were not for the loss of their pay. |
| *Lieut.-Col. Custance, 9th Foot* Mauritius) . . . . . | Habits not materially altered. Health not affected. |
| *Lieut.-Col. Green, 20th Foot* (Bombay) . . . . . | He has not observed any beneficial change in the habits of the men. Health is never injured by the confinement as inflicted in this presidency. |
| *Lieut.-Col. Piper, 38th Foot* (Bengal) . . . . . | The effect of confinement varies with the constitution and habits. The man of drunken habits is much improved by six months' confinement. But generally speaking, long confinement weakens and undermines the constitution. |
| *Major Poole, 39th Foot* (Madras) . . . . . | Habits, with few exceptions, not improved. Health not injured in any instance. |
| *Lieut.-Col. Boys, 45th Foot* (Madras) . . . . . | Many instances have fallen within his own observation where men were altogether reclaimed by solitary confinement of a tolerably long duration; but whether this is attributable to the character of the individual, or the nature of the privations he endured, it would be difficult to decide. |
| *Lieut.-Col. Fane, 54th Foot* (Madras) . . . . . | Habits of some materially improved. Health has suffered in very few instances. In the cases of drunken men the health is in general much improved. |
| *Major Hunt, 57th Foot* (Madras) . . . . . | Habits of some materially altered for the better. Health never essentially affected. |
| *Major Cramer, 62d Foot* (Madras) . . . . . | Has not observed that material alteration for the better in their habits that could be desired. Health not essentially affected: that of drunkards improved. |
| *Maj. Pritchard, 71st Foot* . | Habits certainly not altered for the better. After a long imprisonment, one year, one man returned emaciated and unfit for duty for a considerable time, but in health not essentially affected. |

From your own personal observation, which of the two punishments, viz. imprisonment with hard labour, or solitary confinement, are you led to believe most efficacious and best adapted to reform the soldier, and prevent the commission of crime?



| OFFICER'S NAME. | ANSWER. |
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| *Maj.-Gen. Sir C. D'Albiac* | Solitary confinement; but it should be more quickly applied. |
| *Maj.-Gen. Sir T. M'Mahon* | Solitary confinement had but little effect upon an idle slovenly soldier. More severe in winter than in summer. Hard labour, if rigidly carried into effect, a severe punishment; but neither appears to produce a diminution of crime in the individual punished. |
| *Maj.-Gen. Sir W. Cotton* | Imprisonment with hard labour much more efficacious than solitary confinement. |
| *Maj.-Gen. Sir H. Bouverie* | Solitary confinement should be tried in the first instance to give time for reflection; afterwards it should form the last part of a mixed punishment. |
| *Maj.-Gen. Hon. P. Stuart* | Solitary confinement, if strictly carried into effect. |
| *Col. Sir L. Greenwell* | Hard labour the most efficacious in restraining the dissolute soldier. |
| *Maj.-Gen. Thornton* | Solitary confinement, when strictly enforced, has the greatest effect on the individual, but affords no example to others. Hard labour in barrack-yards a constant example. |
| *Maj.-Gen. Ross* | Hard labour, if carried into effect in a mode he hereafter points out. |
| *Lieut.-Gen. Sir H. Vivian* | The Provost-Marshal in Dublin thinks hard labour most efficacious; but in Sir Hussey's opinion neither of these punishments have effect to any extent in producing reform. |
| *Major-Gen. Sir E. Blakeney* | Strictly solitary confinement most efficacious; but he sees no objection to a mixed punishment. |
| *Maj.-Gen. Sir J. Douglas* | Strictly solitary confinement when properly carried into effect. Hard labour might be made equally efficacious if the men were not sent to gaol to undergo it. |
| *Maj.-Gen. Macdonell* | Solitary confinement, if strictly enforced, which is far from being the case at present. At Omagh, for instance, the men in solitary confinement are not shut up in their cells except at night, but are permitted to walk about the passages of the gaol in that part of the building appropriated to prisoners under sentence of solitary confinement. |
| *Maj.-Gen. Sir T. Arbuthnot* | Solitary confinement, as opposed to the present system of hard labour, most efficacious. |
| *Lieut.-Gen. Sir W. Houstoun* (Gibraltar) | Solitary confinement when strictly enforced. |
| *Maj.-Gen. Sir F. Ponsonby* (Malta) | Has had no opportunity of comparing the punishments, hard labour not being practised in Malta. |
| *Major-Gen. Sir S. Chapman* (Bermuda) | Solitary confinement most efficacious for young offenders; imprisonment with hard labour best adapted for those hardened in crime. |
| *Maj.-Gen. Sir Lionel Smith* (West Indies) | Solitary confinement most efficacious, if strictly enforced and better accommodation provided. |
| *Maj.-Gen. Sir C. Smyth* (Demerara) | Hard labour is the best and most efficacious punishment. Solitary confinement weakens both mind and body, and ought never to be resorted to for a longer period than six days. Men sentenced to hard labour should however be locked up at night in separate places of confinement. |
| *Lieut.-General Lord Aylmer* (Canada) | Hard labour, as it keeps the body in health, and is a severe punishment upon the malingerer or idle soldier. Solitary confinement can hardly be called a punishment to a malingerer, and in many cases it is highly objectionable in relation to its effects upon the mind. |
| *Maj.-Gen. Sir C. Campbell* (Nova Scotia) | If proper means for inflicting it be afforded, imprisonment with hard labour. Lengthened solitary confinement has rarely worked a reform in vicious men, although for a generally good man, convicted of a breach of discipline, the confinement for a few days in a cell, with an opportunity for reflection, would be more beneficial than exposure to contact with men of bad habits and insubordinate ideas undergoing hard labour. |
| *Maj.-Gen. Sir Amos Norcott* (Jamaica) | Rigid solitary confinement much more efficacious than imprisonment with hard labour, and better adapted to reform the soldier. |
| *Major-Gen. Sir W. Nicolay,* (Mauritius) | Solitary confinement the most efficacious: but, from the want of sufficient means for carrying it into effect, Courts-Martial are frequently under the necessity of awarding other punishments less likely to produce favourable results. |
| *Col. Arthur* (Van Diemen's Land) | Does not conceive either of these punishments calculated to reform the soldier. Solitary confinement for a short period is no doubt a severe punishment, but has not the appearance of being so, and therefore fails to make any impression on the comrades of the sufferer; while he after his release, from pride, will conceal his sufferings during his imprisonment, and will pretend to exult in the impotency of his superiors to punish him severely. Imprisonment with what is called hard labour, as now inflicted, is inoperative. |
| *Col. Lygon, 1st Life Guards* | Solitary confinement a good punishment for minor offences; it acts as a caution. Imprisonment with hard labour more for example than to effect a reformation. |
| *Col. Lygon, 2d Life Guards* | Solitary confinement, as the punishments are now carried into effect. |
| *Col. Hill, Rl. Horse Guards* | Much depends on the disposition of the man. As an *example*, hard labour the most efficacious; but solitary confinement more likely to *reform*. |
| *Col. Sir G. Teesdale, 1st Dn. Gds.* | Solitary confinement. |
| *Maj. Kearney, 2d Dn. Gds.* | Solitary confinement most efficacious to reform the soldier. |
| *Lt.-Col. Story, 3d Dn. Gds.* | Solitary confinement, as appearing to be most disliked. |
| *Lt.-Col. Chatterton, 4th Dn. Gds.* | Decidedly solitary confinement. But both are bad in the cavalry, where severe and extra duty is imposed upon the good soldier by the confinement of the delinquent. |
| *Maj. Scarlett, 5th Dn. Gds.* | Solitary confinement, if in a public gaol, to avoid the contamination of its inmates. Hard labour if in a barrack prison. |
| *Lt.-Col. Wildman, 6th Dn. Gds.* | Hard labour more galling to the idle soldier than solitary confinement. |
| *Lt.-Col. Clark, 7th Dn. Gds.* | Solitary confinement more likely to check crime than hard labour. |
| *Lt.-Col. Somerset, 1st Dns.* | Solitary confinement *in a gaol.* It has this advantage over hard labour; a man can bear less of it, and therefore sooner returns to his duty. |
| *Maj. Wyndham, 2d Dns.* | In most instances solitary confinement, and particularly when properly attended to. There are instances when, from character and disposition, six weeks at the tread-mill might be beneficial. |
| *Lt.-Col. Stisted, 3d Lt. Dns.* | Imprisonment with hard labour for the worst characters; for the others, solitary confinement the best. |
| *Lt.-Col. Fendall, 4th Lt. Dns.* (Bombay) | Decidedly of opinion that solitary confinement is best adapted to reform the soldier. |
| *Lt.-Col. Madox, 6th Dns.* | Solitary confinement if properly carried into effect, which in a barrack is almost impossible. The nature of the punishment should however be regulated by the disposition and character. |

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| *Lt.-Col. Hill, 7th Lt. Dns.* | Solitary confinement, as more severe, and therefore less of it needful, and the man sooner returns to his duty. Hard labour brings him in contact with the inmates of a gaol. |
| *Lt.-Col. Molyneux, 8th Lt. Dns.* | Solitary confinement most efficacious to produce reform; but if imprisonment with hard labour could be carried into execution in barrack the example would be more likely to deter others. |
| *Lt.-Col. Campbell, 9th Lt. Dns.* | Imprisonment with hard labour, if on the tread-mill; but not breaking stones, as usually done. |
| *Lt.-Col. Lord T. Cecil, 10th Lt. Dns.* | A more rigorous solitary confinement in a dark, dismal, and cold cell would be more efficacious than the present system of hard labour; but hard labour in military prisons would be more efficacious than any solitary confinement that could be resorted to. |
| *Lt.-Col. Brutton, 11th Lt. Dns.* (Bengal) | Hard labour forms no part of a sentence in India; no opinion can therefore be offered of the comparative efficacy of the two punishments. |
| *Lt.-Col. Stawell, 12th Lt. Dns.* | Solitary confinement, when strictly so; but a good deal depends on the disposition of the soldier. Has strong objections to exposing young soldiers to contamination in gaols. |
| *Lt.-Col. Townsend, 14th Lt. Dns.* | Imprisonment with hard labour. |
| *Lt.-Col. Badcock, 15th Lt. Dns.* | Solitary confinement for short periods. After some time they become habituated to it. |
| *Lt.-Col. Lord Bingham, 17th Lt. Dns.* | The efficacy of each description of punishment must depend upon the character of the culprit. The advantages of solitary confinement would be the shortness of its duration, the escape of the prisoner from contamination in a gaol, and the possibility, with proper cells, of carrying it into effect at the regiment. |
| *Col. Sir J. Woodford, Gren. Gds.* | Solitary confinement at the head-quarters of the regiment most suitable to reform offenders and to operate as an example to others, from the soldier being daily brought out for exercise under the eyes of his comrades. A soldier should not be sent to a public prison until the other kind of confinement has been tried more than once. |
| *Col. Fremantle, Colds. Gds.* | Hard labour. |
| *Col. Keate, Scots Fus. Gds.* | These punishments equally efficacious if carried properly into execution. The discipline of some prisons more severe than others. Effectual solitary confinement in the barracks impossible. |
| *Lt.-Col. Carter, 1st Batt. 1st Foot* (West Indies) | Decidedly imprisonment with hard labour when strictly carried into effect. It is more likely to reform the soldier. |
| *Lt.-Col. Wetherall, 2d Batt. 1st Foot* | Solitary confinement decidedly, strictly enforced under the eye of the commanding officer. To use the soldier's term, solitary confinement "sticks to the heart." |
| *Maj. Deuchar, Depot, 1st Ft.* | Hard labour decidedly the most efficacious. |
| *Capt. Jackson, 2d Foot* (Bombay) | Cannot offer an opinion, imprisonment with hard labour not having been inflicted on any offenders in this regiment while in India. |
| *Lt.-Col. Breton, 4th Foot* (New South Wales) | Cannot decide on this. Solitary confinement has no effect on some, while to a generally well-behaved man he would not willingly award hard labour. |
| *Lt.-Col. Sutherland, 5th Foot* (Mediterranean) | All kinds of imprisonment are almost inoperative, for the culprits are little seen or heard of during their confinement. Twenty days' solitary confinement properly inflicted more efficacious than an equal period with hard labour; but soldiers, who look rather to the duration than the nature of the restriction on their liberty, would prefer that term of solitary confinement to double the period of imprisonment with hard labour. |
| *Lt.-Col. Farquharson, 7th Ft.* (Mediterranean) | In his opinion neither of the two punishments can reform the hardened characters. |
| *Maj. Lord W. Thynne, Depot, 7th Foot* | When solitary confinement can be properly inflicted it should always be resorted to before imprisonment with hard labour. When really solitary confinement can be imposed it has been more dreaded than corporal punishment. |
| *Lt.-Col. Cathcart, 8th Foot* (Jamaica) | For military crimes the only mode of imprisonment should be solitary when it can be enforced in the barrack-cells. It is difficult, particularly in the colonies, to make a distinction between the hard labour, as a punishment, and that executed by fatigue-parties of perhaps the best men under the engineer's department. |
| *Capt. Machen, Depot, 8th Foot.* | Solitary, if properly carried into effect. |
| *Maj. Champain, Depot, 9th Foot* | Hard labour most efficacious and best adapted to reform, as being the most dreaded. Solitary confinement, as less severe, is best adapted for young offenders and minor offences. |
| *Lt.-Col. Freer, 10th Foot* (Mediterranean) | From the manner in which hard labour is carried into effect, solitary confinement more efficacious. |
| *Maj. Allen, Depot, 10th Foot.* | Decidedly in favour of solitary confinement; the men dread it much more. |
| *Maj. Derinzy, 11th Foot* (Mediterranean) | Solitary confinement unquestionably. Hard labour as sometimes conducted is a mere jest, and, but for the loss of pay and restraint from drinking, would be preferred by the reckless and unprincipled to their regular military duties, it being less severe than the common fatigues to which all soldiers are liable. |
| *Lt.-Col Bisshopp, Depot, 11th Foot.* | This depends greatly upon the character of the individual. Drunkards feel more sensibly solitary confinement, others hard labour, when the punishment is administered as in Brecon gaol. |
| *Lt.-Col. Turbervill, 12th Foot.* | Certainly solitary confinement when it is strictly enforced. |
| *Lt.-Col. Sale, 13th Foot* (Bengal) | Cannot offer an opinion on this point, as men are never sentenced to hard labour in India. Has served thirty-seven years out of forty in India. |
| *Lt.-Col. Everard, 14th Foot* | Hard labour generally most efficacious and best adapted to reform the soldier; but the disposition of the culprit should regulate the nature of the punishment. |
| *Lt.-Col. Horton, 15th Foot* (Canada) | Solitary confinement, if rigidly put in force. |
| *Maj. Drought, Depot, 15th Ft.* | Is decidedly of opinion that solitary confinement has a more powerful effect on young soldiers than hard labour, and in support of this opinion quotes the system of gaol discipline, under which a culprit who misconducts himself at the tread-mill is sentenced to solitary confinement. |
| *Lt.-Col. Campbell, 16th Foot* (Bengal) | Hard labour scarcely practicable for Europeans in India. Solitary confinement under proper regulations the most efficacious and best adapted to reform. Time in hospital should not reckon as part of sentence. |
| *Lt.-Col. Despard, 17th Foot* (New South Wales) | Both equally desirable if applied to different crimes; but the hard labour to be efficacious should be on a tread-mill in a prison for the exclusive reception of soldiers. |

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| *Col. Burrell*, 18*th Foot* . . | Solitary confinement most likely to reform the young soldier, and he is not exposed to the contagion of bad society. |
| *Lt.-Col. Hardy*, 19*th Foot* (West Indies) . . . . | Solitary confinement, with a strict system of prison discipline, would be the most effectual of the two; but there are not in the West Indies cells judiciously constructed. |
| *Maj. Raper, Depot*, 19*th Ft.* . | Imprisonment with hard labour in public gaols decidedly objectionable, the prisoners being allowed to mix with abandoned characters. Solitary confinement even in public gaols more likely to prevent a recurrence of misconduct, but not to the extent which it might do if the punishment was carried into effect at the barracks. |
| *Lt.-Col. Leahy*, 21*st Foot* (New South Wales) . . | Solitary confinement, when rigidly carried into effect. |
| *Captain Keappock*, 22*d Foot* (Jamaica) . . . . . | Hard labour best adapted to reform the soldier, if labour sufficiently severe could always be found for him. |
| *Maj. Pennefather, Depot*, 22*d Foot* . . . . . | Hard labour, when practicable, is more efficacious than solitary confinement: but in the West Indies it cannot be effectually insisted upon without affecting the health of the soldier. |
| *Lt.-Col. Harrison*, 23*d Foot* (Gibraltar) . . . . . | Solitary confinement, if strictly carried into effect, most efficacious and best adapted to reform the soldier. Hard labour as usually performed by soldiers is too sociable a way of passing the time. The thoughts become so diverted as to defeat the object, and perhaps in some cases convert the punishment into a pleasure. |
| *Major Ross, Depot*, 23*d Foot* | In young soldiers solitary confinement is best adapted to produce reformation. For old soldiers hard labour is the most efficacious. |
| *Colonel Tidy*, 24*th Foot* (Canada) . . . . . | Solitary confinement. |
| *Major Kelly, Depot*, 24*th Ft.* | Imprisonment with hard labour most efficacious, except in the cases of men whose nerves and constitutions have been impaired by drinking: they dread solitary confinement most. |
| *Major Young*, 25*th Foot* (Demerara) . . . . . | Solitary confinement, when properly enforced, is best adapted to reform a first offender: advice and minor punishments have been tried in vain. For a second conviction solitary imprisonment with hard labour would be most efficacious. |
| *Maj. Priestley, Depot*, 25*th Foot* . . . . . | Is decidedly of opinion that solitary confinement is the most efficacious and best adapted to reform the soldier: it also secures him from the contamination of a public gaol. |
| *Lt.-Col. Oglander*, 26*th Foot* (Bengal) . . . . . | As the majority of military crimes arise out of sensual indulgences, which in the lax morality of the world are accounted indifferent, so long as prudential control is not lost, and as soldiers are very rarely deeply sunk in crime, he considers hard labour objectionable because it is degrading; and thinks that when a soldier is found incorrigible he should be removed from the service. Military confinement greatly preferable, especially if attended by moral instruction. |
| *Lt.-Col. Hare*, 27*th Foot* . . | Hard labour, if steadily conducted, most efficacious and best adapted to reform. Is convinced there are many soldiers who would volunteer a solitary confinement of three weeks if left undisturbed and to do no duty. |
| *Major French*, 28*th Foot* . . | Imprisonment with hard labour in summer, and solitary confinement in winter. |
| *Lt.-Col. Simpson*, 29*th Foot* (Mauritius) . . . . . | Has never seen imprisonment with hard labour properly tried; but is of opinion that solitary confinement is more disliked, and tends more to reform a man. |
| *Maj. Walter, Depot*, 29*th Ft.* | A great deal depends on the man's character and disposition: but solitary confinement is most likely to produce reform. |
| *Lt.-Col. Robinson*, 30*th Foot* (Bermuda) . . . . . | Solitary confinement, if carried into complete effect. In hard labour the man suffers few privations; he has companions, as good a bed as in barracks, sufficient food, and the labour never hard: in solitary confinement he feels the loss of his comrades, he has no bed, and the quantity of his food is diminished; his comrades have less of his duty to do, as he is a shorter time absent. |
| *Major Ormond, Depot*, 30*th Foot* . . . . . | Solitary confinement decidedly most efficacious and best adapted to reform the soldier, if strictly carried into effect. |
| *Major Bolton*, 31*st Foot* (Bengal) . . . . . | Hard labour could not be carried into effect in India without certain injury to health. Solitary confinement cannot be put in execution for want of means. Common imprisonment is all that is adopted. |
| *Major Wingfield*, 32*d Foot* (Canada) . . . . . | Either one or the other might be made efficacious in the prevention of crime and the reformation of the offender, where he is susceptible of it, if they were more rigidly administered. |
| *Major Palk, Depot*, 32*d Foot* . | The former: but as these punishments are now carried into execution solitary confinement has had little, hard labour still less, effect in reforming the soldier and preventing crime. |
| *Lt.-Col. Knight*, 33*d Foot* . | Solitary confinement, if strictly and properly carried into effect. |
| *Lt.-Col. Fane*, 34*th Foot* (New Brunswick) . . . . | Solitary confinement, because it is most sure; it does not expose a man to contamination in a gaol; the period of absence from duty is shorter, and the punishment every where uniform. Hard labour varies in almost every place. |
| *Capt. Brisbane, Depot*, 34*th Foot* . . . . . | A great deal would depend upon the habits and mind of the soldier; but solitary confinement would be generally more efficacious if strictly carried into effect. |
| *Lt.-Col. Goldie*, 35*th Foot* . | Solitary confinement is most disliked if rigidly enforced, and consequently most efficacious. |
| *Major Cairnes*, 36*th Foot* (West Indies) . . . . | Solitary confinement. |
| *Capt. Hare, Depot*, 36*th Foot* . | Has never seen hard labour properly carried into effect; but would give the preference to hard labour conducted on solitary principles. Allowing prisoners to associate together is very objectionable. |
| *Major Manners*, 37*th Foot* (Jamaica) . . . . . | Where hard labour can be carried into effect under military superintendence on public works it is preferable to solitary confinement, and productive of better results in the after-conduct of the soldier. |
| *Maj. Kell, Depot*, 37*th Foot* . | Imprisonment with hard labour. |
| *Maj. Jebb.* 40*th Ft.* (Bombay) | Imprisonment with hard labour. |
| *Col. Sir E. K. Williams*, 41*st Foot* (Madras) . . . . . | In this presidency hard labour is not inflicted. He cannot form any opinion on this point. |
| *Lt.-Col Sir C. Gordon*, 42*d Foot* (Mediterranean) . . | Hard labour, if properly enforced; but the labour should be really severe, the prisoners not allowed to loiter nor converse, and be confined in separate cells when not at work. |
| *Maj. Johnstone, Depot*, 42*d Ft.* | Unquestionably solitary confinement. |

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| *Lt.-Col. Booth*, 43*d Foot* . . | Solitary confinement. |
| *Colonel Elrington*, 47*th Foot* (Gibraltar) . . . . . | Solitary confinement in a military place of confinement, but not in a public gaol. |
| *Maj. Sadleir, Depot*, 47*th Ft.* | Solitary confinement is decidedly more efficacious when properly enforced. |
| *Lt.-Col. Bell*, 48*th Foot* . . | In India, whence the regiment has lately returned, he has seen but one sort of imprisonment, viz. solitary confinement, and that has failed in effecting any reformation. |
| *Lt.-Col. Bartley*, 49*th Foot* (Bengal) . . . . . | Solitary confinement, if properly carried into effect, is decidedly the most severe punishment. Hard labour cannot be inflicted in Indian climates. The powers of a Regimental Court-Martial in India ought to be equal to those of a District or Garrison Court-Martial. Soldiers frequently commit crimes beyond the cognizance of a Regimental Court-Martial, from the hope that the difficulty and inconvenience of assembling a General Court-Martial may possibly make their crime to be overlooked. |
| *Lt.-Col. Wodehouse*, 50*th Foot* (New South Wales) . . | Solitary confinement, under the immediate eye of the commanding officer. |
| *Maj. Ryan, Detachment*, 50*th Foot* . . . . . | Every thing must depend upon the character of the individual: for a man who shows a keen sense of feeling at his disgrace, solitary confinement would be beneficial; but for a man who has none of these nicer feelings, and shows indifference to every previous attempt to reclaim him, imprisonment with hard labour would be best. |
| *Maj. St. John*, 52*d Foot* . . | If they were both carried fully into effect, and equally severe in their separate ways, solitary confinement would be most efficacious. |
| *Capt. Considine*, 52*d Foot* . | Except for the ruffian and hardened offender, rigid solitary confinement is of the two best adapted to reclaim and reform the soldier. But the tread-mill and severe hard labour would be felt more wearying and annoying by the hardened. To prevent crime in most instances, the punishment of military offences to be efficacious should be summary. |
| *Lt.-Col. Considine*, 53*d Foot* (Mediterranean) . . . | Solitary confinement, most decidedly. |
| *Maj. Butler, Depot*, 53*d Foot* | Solitary confinement is the best adapted to reform the soldier. |
| *Lt.-Col. Craigie*, 55*th Foot* (Madras) . . . . . | Imprisonment in public gaols for the purpose of inflicting hard labour must be injurious to the principles and future character of the soldier, who cannot escape contamination from the individuals into whose society he is thrust. This is an evil which never can follow from solitary confinement, during which the prisoner has abundant leisure for serious reflection, and his good resolutions may be strengthened by reading the Bible and Prayer-Book. |
| *Lt.-Col. Prichard*, 56*th Foot* (Jamaica) . . . . . | Solitary confinement, when it can be effectually administered. |
| *Maj. Eden, Depot*, 56*th Foot* | Hard labour better calculated in most instances to prevent a repetition of crime; but solitary confinement has answered very well. |
| *Col. Clifford*, 58*th Ft.* (Ceylon) | Solitary confinement, if strictly enforced in proper places. In imprisonment with hard labour the men are exposed to be corrupted by more evil associates. |
| *Maj. Ricketts, Depot*, 58*th Ft.* | Imprisonment with hard labour. |
| *Lt.-Col. Fuller*, 59*th Foot* (Gibraltar) . . . . . | Solitary confinement is better adapted for characters not naturally vicious. |
| *Maj. Gordon, Depot*, 59*th Ft.* | Solitary confinement. |
| *Lt.-Col. Bunbury*, 1*st Batt.* 60*th Foot* (Mediterranean) | Decidedly solitary confinement. |
| *Maj. Trevelyan, Depot*, 1*st Batt.* 60*th Foot* . . . | Solitary confinement, certainly, particularly for young soldiers. |
| *Lt.-Col. Ellis*, 2*d Batt.* 60*th Ft.* | Solitary confinement, if strictly observed. |
| *Col. Darley*, 61*st Foot* (Ceylon) | Solitary confinement, decidedly. |
| *Maj. Forbes, Depot*, 61*st Ft.* | A soldier of pretty fair character may be reclaimed by solitary confinement; but a man of bad character will derive little advantage from that or hard labour. |
| *Lt.-Col. Fairtlough*, 63*d Foot* (Madras) . . . . . | Solitary confinement. |
| *Lt.-Col. Kirkwood*, 64*th Foot* (Jamaica) . . . . . | Is decidedly opposed to imprisonment, whether with or without labour, in gaols. Solitary confinement would do permanent good; but the present system is defective. |
| *Maj. Freeth, Depot*, 64*th Foot* | Solitary confinement, when properly inflicted. |
| *Maj. Farquharson*, 65*th Foot* (West Indies) . . . . | Solitary confinement the most likely to reform the soldier if strictly carried into effect; the intercourse with criminals when imprisoned for hard labour does away, in a great measure, with any good effect that might be produced by this punishment. |
| *Maj. Walker, Depot*, 65*th Ft.* | Much would depend upon the disposition of the culprit; but he would anticipate more good from hard labour than solitary confinement as at present inflicted. |
| *Colonel Nicol*, 66*th Foot* (Canada) . . . . . | Solitary confinement, when properly carried into effect, the most efficacious and best adapted to reform the soldier. |
| *Major Daniell, Depot*, 66*th Foot* . . . . . | Solitary confinement on all but the most hardened, and with them hard labour should be tried. |
| *Major Brooke*, 67*th Foot* (West Indies) . . . . | Solitary confinement, if strictly carried into effect; otherwise hard labour, as in most quarters such employment can be found. There are not at present proper solitary cells. |
| *Major Johnston, Depot*, 67*th Foot* . . . . . | Has never seen solitary confinement properly put in force; but is disposed to believe, that hard labour, when carried into effect at head-quarters or a military Provost, is most efficacious. |
| *Lieut.-Col. Cross*, 68*th Foot* (Gibraltar) . . . . . | Solitary confinement best calculated to reform the young soldier; but for repressing crime among the hardened offenders hard labour is the most effectual punishment. |
| *Major Lord W. Paulet, Depot*, 68*th Foot* . . . . . | Solitary confinement for a well-disposed man; but for an incorrigible character, hard labour, if it can be carried into effect without the man's associating with the inmates of a gaol. |
| *Major Brookes*, 69*th Foot* (West Indies) . . . . | Is decidedly of opinion that solitary confinement, if rigidly carried into effect, would prove most efficacious and best adapted to reform the soldier: but few garrisons have appropriate places for this purpose. |
| *Major Monins, Depot*, 69*th Foot* . . . . . | Solitary confinement would be the most efficacious mode to reform the soldier if rigidly carried into effect, but that cannot be the case with the present ill-constructed cells. |
| *Colonel Evans*, 70*th Foot* (Gibraltar) . . . . . | Silent solitary confinement the stoutest heart and most determined offender shudders to encounter. He has little faith in the hard-labour system, under which, at Gibraltar, the |

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| | offender sits down all day breaking stones and escaping night-work, while the well-behaved soldier has his night duty, and but one night, or at most, two, in bed. |
| *Major Kelsall, Depot, 70th Foot* . . . . . | Solitary confinement, if strictly enforced, would be more effectual than it has hitherto been. The food of the prisoner should be restricted to the quantity necessary to support nature, and to water only, and all communication with others should be restricted as much as possible. |
| *Lieut.-Col. Peddie, 72d Foot* (Cape of Good Hope) . . | Much depends upon the disposition of the culprits; but he is of opinion that imprisonment with hard labour, if rigorously inflicted, is the severer punishment. |
| *Major Hall, Depot, 72d Foot* | It depends on the disposition of the culprit. For old offenders real hard labour on a spare diet is the best punishment, and it is the best example; but a young man of good feelings may be reclaimed from dissolute habits by the serious reflections which in solitude he cannot escape from. |
| *Major Lloyd, 73d Foot* (Mediterranean) . . . . | Solitary confinement, as far as the individual is concerned; but to make impression on the corps, and to act as an example, hard labour would have more effect, as the men under punishment would be more frequently under their comrades' observation. |
| *Major Hamilton, Depot, 73d Foot* . . . . . | Recommends solitary confinement for those of tolerably good character, whom there may be still some hopes of reclaiming; but for the hardened offender imprisonment, with hard labour of some duration, should in every instance be awarded. |
| *Lieut.-Col. Mein, 74th Foot* (West Indies) . . . . . | Hard labour, under military discipline, for a hardened offender and bad character. Solitary confinement for those of whose reform hopes may be entertained. |
| *Maj. Crabbe, Depot, 74th Foot* | Solitary confinement; for it frequently happens that the hard labour in a public gaol becomes no punishment at all, the soldiers being employed about the prison by the gaoler, in offices of trust, or that there are not means sufficient to subject all, military and civil, to the hard labour to which they are sentenced. |
| *Lt.-Col. England, 75th Foot* (Cape of Good Hope) . . | Imprisonment with hard labour, that labour being strictly superintended to prevent idleness and conversation. |
| *Maj. Quill, Depot, 75th Foot* | Solitary confinement. |
| *Major Clark, 76th Foot* (West Indies) . . . . . | Hard labour most efficacious and best adapted to reform the soldier. |
| *Maj. Hutchinson, Depot, 76th Foot* . . . . . | Decidedly hard labour, always meaning the tread-mill. At other labour, such as breaking stones, &c., the men laugh. |
| *Lt.-Col. Bradshaw, 77th Ft.* . | Solitary confinement, when strictly conducted. |
| *Major Douglas, 78th Foot* (Ceylon) . . . . . | Solitary confinement. |
| *Maj. Adams, Depot, 78th Ft.* | Imprisonment with hard labour. |
| *Lt.-Col. M'Dougall, 79th Foot* (Canada) . . . . . | This very much depends on the character of the culprit. For military offences not of a disgraceful nature solitary confinement is the most likely to answer the ends in view; but the acknowledged severity of that punishment should be mitigated occasionally by the indulgence of the prisoners being allowed to work in their cells. For first offences solitary confinement is the most desirable. For offences of a disgraceful or immoral character hard labour, out of doors, would seem best. But it must be remembered, that, by the concurrent testimony of all criminals, real solitary confinement, with an absence of all kinds of employment, is the most severe and subduing punishment that can be inflicted. |
| *Major Ferguson, Depot, 79th Foot* . . . . . | Imprisonment with hard labour, particularly when carried on in the manner practised in the Aberdeen bridewell, where the two punishments may be said to be combined, the men not being allowed to speak when at work, and each man being shut up in a separate cell at night. |
| *Lieut.-Col. Pitt, 80th Foot* . | Both punishments are efficacious, if properly regulated, but the tread-mill is best suited to the old offender, and solitary confinement to a first conviction. |
| *Lt.-Col. Maclean, 81st Foot* . | Decidedly hard labour, provided it could be carried into effect anywhere but in public gaols. |
| *Lt.-Col. Hogarth, 82d Foot* . | Solitary confinement, the soldier thus escaping contamination. Hard labour, when it has been task-work before a meal is issued, has been found efficacious. |
| *Lt.-Col. Dundas, 83d Foot* (Nova Scotia) . . . . | Hard labour, as the punishment is not likely to prove injurious to health; and, if a portion of the time be set apart for heavy-marching-order drill, more likely to preserve his efficiency and habits as a soldier; but this of course could only be done at the head quarters of the regiment. Has had no opportunity of seeing a fair trial made of solitary confinement in the strict sense of the term, the present cells being altogether unsuited to the purpose. |
| *Maj. Trydell, Depot, 83d Ft.* | Hard labour; but it should be strictly enforced. Does not approve of the system of the Provost at Dublin. |
| *Maj. Nicholl, Depot, 84th Ft.* | Solitary confinement, when properly conducted and not of too long duration. |
| *Col. Warburton, 85th Foot* . | Imprisonment with hard labour. |
| *Maj. Stuart, 86th Foot* (West Indies) . . . . . | Solitary confinement is the best adapted to reform the soldier, if it can be enforced in a proper manner. |
| *Capt. Creagh, Depot, 86th Ft.* | Solitary confinement more effectual in reforming a culprit and deterring his comrades. Has never known imprisonment with hard labour attended with beneficial results. |
| *Lt.-Col. Streatfeild, 87th Foot* (Mauritius) . . . . . | Is led to believe solitary confinement the most efficacious, both to reform criminals and prevent crime; but such confinement for a short period will rarely be attended with beneficial results. |
| *Capt. Doyle, Depot, 87th Foot* | So much depends upon the disposition of the men that it is difficult to give an opinion. To men of lazy and slothful habits hard labour would be best applied, while to others solitary confinement would be most severe. For this reason a preference attaches to the Regimental Court-Martial, which must be composed of officers well acquainted with the disposition of every man brought before them. Solitary confinement would be most suitable for first offences, as being more likely to reform a man not of decidedly bad character, and as securing the soldier from association with the depraved inmates of a gaol. |
| *Col. O'Malley, 88th Foot* (Mediterranean) . . . . | Hard labour, generally speaking, particularly for crimes originating in drunkenness, provided the labour be really severe through the day, and the prisoner not too well fed, and the confinement at night solitary. In some cases solitary confinement might be preferable. |
| *Maj. O'Hara, Depot, 88th Ft.* | Decidedly of opinion that hard labour combined with solitary confinement, where strict silence is enforced when at work, and an immediate removal after work to a solitary cell, would be |

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| | the most efficacious. Solitary confinement, when inflicted at the quarters of a corps in the usual cells, is considered a light punishment by the soldiers. They have 6*d.* a day expended on their subsistence, for which they are well fed, they mount no guards, they perform no military duties, they have regular exercise, warm clothing and bedding, and many of them consume the greater part of their imprisonment in sleep. |
| *Lt.-Col. Jones*, 89*th Foot* . . | They may be both rendered efficacious, if applied with judgment and with reference to the habits or character of the individual, and inflicted with rigour. |
| *Lt.-Col. Arbuthnot*, 90*th Foot* | Solitary confinement. It gives the young soldier time to think, and he has not bad companions to lead him astray. Hard labour is almost a farce; "for example, at Naas," the offender is placed in a ward with perhaps twenty civilians, his food is excellent, his bed is far more comfortable than in barracks, of much better quality, and his only labour some slight work of fatigue. |
| *Lt.-Col. Anderson*, 91*st Foot* . | Solitary confinement, when properly inflicted. For old and hardened offenders hard labour may be best. |
| *Lt.-Col. M'Donald*, 92*d Foot* (Gibraltar) . . . . . | For a first offence, and particularly for a man of a lively and restless disposition, he would recommend solitary confinement, provided that it was really solitary. Hard labour would be best for a man of slothful and indolent disposition, provided it were really severe, and that he could be kept separate and guarded from the contamination of others worse than himself. |
| *Maj. Winchester, Depot*, 92*d Foot* . . . . . | Solitary confinement, if properly carried into effect, which it never can be as long as the only means now in the possession of commanding officers are so inadequate. |
| *Lt.-Col. M'Gregor*, 93*d Foot* . | That depends on the character of the individual. But in the majority of cases solitary confinement would be most efficacious and best adapted to reform the culprit. |
| *Lt.-Col. Paty*, 94*th Foot* . . . | For the old and hardened offender hard labour for a period of two or three months, especially if it were practicable after his labour had ceased to confine him in a cell by himself: for the young offender, solitary confinement. |
| *Maj. Milner, Depot*, 94*th Foot* | Hard labour is more likely to be efficacious upon the old hardened offender. Solitary confinement will more frequently reform the young. |
| *Lt.-Col. Campbell*, 95*th Foot* | Solitary confinement is most efficacious and best adapted to reform the soldier. |
| *Maj. Wrottesley, Depot*, 95*th Foot* . . . . . | Solitary confinement most efficacious and best adapted to reform the soldier, and it is a punishment more dreaded by him. |
| *Lt.-Col. Cairncross*, 96*th Foot* (Nova Scotia) . . . . | Solitary confinement in properly constructed cells. Hard labour is only loitering away their time, unless sufficient means were afforded under a task-master or Provost-marshal. |
| *Maj. Hill, Depot*, 96*th Foot* . | Solitary confinement, when inflicted on men of previously good character and not of refractory dispositions. But for the majority of military delinquents hard labour, when properly enforced would be most efficacious. Solitary confinement is at present rendered nugatory by the indulgence of bedding being allowed, and from the circumstance that time in hospital is allowed to reckon as part of the punishment. |
| *Col. Hamilton*, 97*th Foot* (Ceylon) . . . . . | Neither, as at present carried on, will effect the desired object. |
| *Capt. Smith, Depot*, 97*th Foot* | Severe hard labour and low diet. |
| *Lt.-Col. M'Caskill*, 98*th Foot* (Cape of Good Hope) . . | Hard labour the most efficacious and best adapted to reform the soldier and check the commission of crime. Solitary confinement is unseen and unheeded by all but the prisoner, on whom it makes no lasting impression, the cells being fitted up rather for convenience and comfort than correction. |
| *Maj. Le Marchant, Depot*, 98*th Foot* . . . . . | Hard labour: but as at present carried on in Devonport garrison it is not a real punishment: it produces no moral change, nor does it inspire fear in the soldiery. On a differently organized plan it might be rendered infinitely more efficacious and powerful. |
| *Lt.-Col. Johnston*, 99*th Foot* (Mauritius) . . . . . | Generally solitary confinement, as more likely to reform the soldier and as being viewed with greater horror than hard labour. |
| *Maj. Macpherson, Depot*, 99*th Foot*. . . . . | When solitary confinement can be strictly and really enforced it would be more efficacious than hard labour. |
| *Major Hope*, 1*st Batt. Rifle Brig.* (Nova Scotia) . . | Hard labour would be most efficacious and least injurious to health; but then proper means for its infliction should be provided at every military station. |
| *Lieut.-Col. Eeles, Depot*, 1*st Battalion, Rifle Brigade* . | Hard labour a much better punishment than solitary confinement: it does not injure the health; and from the prisoners being constantly seen at such work by the other soldiers it produces a much better effect on discipline. It would be a great advantage that the prisoner should occasionally drill with the defaulters. |
| *Col. Brown*, 2*d Batt. Rifle Brigade* (Mediterranean) . | Their relative efficacy will depend upon the tempers and dispositions of the men subjected to them. Would give a decided preference to hard labour properly enforced if there were to be but one mode of punishment; for it may be made sufficiently severe to meet most cases. But there are some individuals who would be much more likely to be reclaimed by solitary confinement. |
| *Capt. Gosset, Depot*, 2*d Batt. Rifle Brigade* . . . . | Solitary confinement: because for hard labour men are sent to public prisons where they come in contact with the vilest characters, and return to the corps worse than when they quitted it. |
| *Lt.-Col. Doherty*, 1*st W. In. Regiment* (West Indies) . | Solitary confinement certainly; but this opinion is given with reference to the modes in which these punishments are at present inflicted. Hard labour with seclusion, or under the American Penitentiary system, is still better calculated to reform the soldier and prevent the commission of crime. |
| *Lt.-Col. Nicolls*, 2*d W. In. Regiment* (West Indies) . | Hard labour, most certainly. |
| *Major Fletcher, Ceylon Reg.* (Ceylon). . . . . | Imprisonment with hard labour is the most efficacious of the two punishments. |
| *Maj. Burney, Cape Riflemen* (Cape of Good Hope) . . | Hard labour the most likely to reform the soldier, although there are tempers for which solitary confinement would be most effectual. |
| *Maj. de Piro, Malta Fencibles* (Malta) . . . . . | Is not prepared to answer this question from personal observation. Hard labour is not practised in this garrison. |
| *Maj. Du Bourdieu, Provis. Batt.*. . . . . | Solitary confinement best suited for young soldiers and for first offences, as it saves the young soldier from the contamination he may meet with at the tread-mill. With old offenders hard labour has been attended with good effects. |

| OFFICER'S NAME. | ANSWER. |
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| *Lt.-Col. Brunton*, 13*th Light Dragoons* (Madras) | There are no facilities for carrying the sentences of hard labour into effect in this presidency, and he cannot therefore answer this question. |
| *Lt.-Col. Dennis*, 3*d Foot* (Bengal) | Has not observed the effects of hard labour in India, and he does not recommend it there, the climate and the customs of the country being against it. It is desirable to uphold the dignity of the European, and if the natives were to see him at drudgery and work, it would lower the European soldier in their estimation. |
| *Lt.-Col. Custance*, 9*th Foot* (Mauritius) | Solitary confinement is most disliked by them; but he does not think it will reform the soldier much, nor prevent the commission of crime. |
| *Lieut.-Col. Green*, 20*th Foot* (Bombay) | Hard labour is not adopted in this country, though he is inclined to think its introduction would be beneficial. Solitary confinement, being a less disgraceful punishment, is more adapted to such men as, not being inured to dissipation or hardened in vice, have often many latent good feelings which a little reflection might bring into operation. |
| *Lieut.-Col. Piper*, 38*th Foot* (Bengal) | Has no actual experience of the effect of hard labour, and is not therefore prepared to answer this question. |
| *Major Poole*, 39*th Foot* (Madras) | From recollection of the manner in which the punishment of hard labour was inflicted when it came under his observation, he considered that the moral character of the soldier suffered materially, and that he emerged from a public gaol a much worse character than when he entered it. |
| *Lieut.-Col. Boys*, 45*th Foot* (Madras) | Imprisonment with hard labour being totally incompatible with this climate, its beneficial results or otherwise are unknown to the Indian army. |
| *Lieut.-Col. Fane*, 54*th Foot* (Madras) | Imprisonment with hard labour is not practicable in India. Solitary confinement is the most efficacious punishment to prevent the commission of crime and reform the soldier. |
| *Major Hunt*, 57*th Foot* (Madras) | There is no punishment of hard labour in India. He gives a decided preference to solitary confinement. |
| *Major Cramer*, 62*d Foot* (Madras) | Can institute no comparison, as hard labour is not enforced as a punishment in India. |
| *Major Pritchard*, 71*st Foot* | Doubts much whether either punishment is adapted to reform the soldier or greatly prevent the commission of crime. Of the two, hard labour is decidedly preferable, as fear of it may influence a few in their future conduct; but he has never observed solitary confinement attended with any permanent beneficial effects. |

# SUBSTANCE

OF THE

# OPINIONS GIVEN BY THE GENERAL AND REGIMENTAL OFFICERS

(*Continued*).

Do you think that any classification of cases could be established, or would be useful for the guidance of Courts-Martial, so as to enable them to decide to what crimes, and to what individuals, imprisonment with hard labour ought to be applied, and to what occasions solitary confinement would be more applicable? If so, detail the classification you would suggest.

| OFFICER'S NAME. | ANSWER. |
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| *Maj.-Gen. Sir C. D'Albiac* | Classification would be difficult, as so much would depend upon the degree, as well as the nature, of the offence. Solitary confinement preferable to imprisonment. |
| *Maj.-Gen. Sir T. M'Mahon* | Classification of punishment not easily practicable—should be regulated by character of individual—the slothful and indolent to hard labour—the turbulent and violent to solitary confinement. |
| *Maj.-Gen. Sir H. Bouverie* | Classification not useful. The Court-Martial best judges of the species of punishment best adapted for particular offenders, with reference to their health and disposition. |
| *Colonel Sir L. Greenwell* | Classification not beneficial. The Court-Martial best judges. |
| *Maj.-Gen. Hon. P. Stuart* | Classification of no effect with hardened characters. Solitary confinement should in the first instance be applied to men who have characters to lose, to prevent their associating with bad characters in gaols. |
| *Maj.-Gen. Thornton* | Legal classification, by which Courts-Martial should abide, would be difficult. The system might be beneficially introduced for the guidance of commanding officers in minor cases. |
| *Maj.-Gen. Ross* | Classification would not be useful, as the efficacy of the punishment must depend upon the disposition of the individual. |
| *Lt.-Gen. Sir H. Vivian* | Classification difficult: much would depend on the character of the soldier. The wild, violent, and riotous, should be sent to solitary confinement; the sulky, morose, and idle, to hard labour. |
| *Maj.-Gen. Sir E. Blakeney* | Classification would be very useful. Drunkenness, irregularity, absence, selling necessaries, would be best met by mixed punishment. Insubordination by immediate solitary confinement. |
| *Maj.-Gen. Sir J. Douglas* | Those means are best which will best subdue an obdurate spirit. |
| *Maj.-Gen. Macdonell* | Useful classification would be difficult; the punishment, to be most effectual, must be determined by the disposition of the culprit. |
| *Maj.-Gen. Sir T. Arbuthnot* | The Courts-Martial best judges what to award with reference to the former conduct and the disposition of the culprit. But, as a general rule, Sir Thomas would recommend solitary confinement of moderate duration for the tolerably well-conducted and young soldier. For the old and incorrigible, hard labour and solitary confinement of long duration. |
| *Lt.-Gen. Sir W. Houstoun* (Gibraltar) | Classification not easily practicable; so much must necessarily depend upon the previous character, and other circumstances. |
| *Maj.-Gen. Sir F. Ponsonby* (Malta) | Classification not useful; the nature of the punishment should depend upon the character of the man. |
| *Maj.-Gen. Sir Lionel Smith* (West Indies) | Classification would be useful. The young and inexperienced should be sentenced to solitary confinement, which might be used for first commital of minor offences, to be followed by corporal punishment for second crimes. Hard labour might be usefully employed with the idle and malingering. |
| *Major-General Middlemore* (Grenada) | Classification would not be advisable. Objects to the defaulter-book being laid before Court-Martial, which should sentence according to the nature of the offence; the commanding officer should, however, have reference to that book, and should remit or inflict the punishment as he shall be influenced by it. Defaulter-book an insuperable obstacle to the improvement of the soldier. |
| *Maj.-Gen. Sir C. Smyth* (Demerara) | Classification would be useful and not difficult. The scale might be from one month's hard labour with solitary confinement at night for smaller offences, to one year of similar punishment for more serious crimes. |
| *Major-Gen. Sir C. Campbell* (Nova Scotia) | Courts-Martial should possess the clearest information of the prisoner's general character, to enable them to award a suitable punishment. To send a man of generally good character to herd with confirmed blackguards in a hard-labour gang would be to put him in the way of having every moral principle which may have hitherto guided and restrained him undermined, and eventually destroyed. Classification, to be useful, should not be a mere summary of the various defaulters of a corps, but a careful division into classes, according to character and conduct. (*See General Observations.*) |
| *Col. Arthur* (Van Diemen's Land) | Does not think any classification could be advantageously made, because the kind and severity of the punishment must depend upon the character of the individual, upon his disposition, the prevalence of the crime, and the means best calculated, upon close observation of the prevailing feeling in the regiment, to excite the greatest fear of committing it. He would be well pleased to see the duties of Courts-Martial more thoughtfully conducted throughout the army. |
| *Col. Lygon, 1st Life Guards* | Classification could not be established advantageously. |
| *Col. Lygon, 2d Life Guards* | Such a classification would be most difficult. |
| *Col. Hill, Royal Horse Guards* | Scarcely necessary, as the Courts-Martial have now the means of ascertaining the character and disposition of the man, which should regulate the nature of his punishment. |
| *Col. Sir George Teesdale, 1st Dragoon Guards* | Courts-Martial do not require such a classification. |
| *Maj. Kearney, 2d Dn. Gds.* | No classification could be useful, as so much depends on the character of the prisoner. Men of good character should not be sent to hard labour in gaols. |
| *Lt.-Col. Story, 3d Dn. Gds.* | Classification would be difficult. |
| *Lt.-Col. Chatterton, 4th Dn. Gds.* | Classification would be most advantageous; but the punishments might be regulated by the disposition of the man—the active to solitary confinement, the lazy and indolent to hard labour. |
| *Major Scarlett, 5th Dn. Gds.* | The Courts-Martial should be free to exercise their discretion with reference to the character and disposition of the culprits. Solitary confinement for first offences. |
| *Lt.-Col. Wildman, 6th Dn. Gds.* | Would not be advantageous, and might even lead to the more frequent commission of crimes, from the men knowing the degree of punishment affixed to offences. |
| *Lt.-Col. Clark, 7th Dn. Gds.* | Would not be advantageous, the good effects of punishment depending more on habits and character than on the knowledge that a specific punishment was laid down for every offence. |
| *Lt.-Col. Somerset, 1st Dns.* | Would be difficult, and perhaps not advantageous, as these two modes of punishment act differently on individuals according to their habits and dispositions. |
| *Maj. Wyndham, 2d Dns.* | Much must depend upon the temper and disposition of the man, of which a Regimental |

| OFFICER'S NAME. | ANSWER. |
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| | Court-Martial must have more knowledge than a District Court-Martial. Powers of Regimental Courts should be extended. |
| *Lt.-Col. Stisted, 3d Lt. Dns.* | Not practicable nor advisable. The punishment should be awarded according to the character of the prisoners. |
| *Lt.-Col. Fendall, 4th Lt. Dns.* (Bombay) | No classification could be usefully established unless imprisonment with hard labour and solitary confinement were more clearly defined. If military prisons were established, hard labour should be resorted to when solitary confinement has failed, and not till then. Regimental Courts might be limited to inflict confinement in Regimental cells, and District Courts in public prisons, but the powers of Regimental Courts should be extended to a greater number of days than at present. |
| *Lt.-Col. Madox, 6th Dns.* | Classification would not be useful, as there are so many gradations of crime; Courts-Martial would be embarrassed by classification. Character and general conduct should regulate punishment. |
| *Lt.-Col. Hill, 7th Lt. Dns.* | No useful classification could be established. |
| *Lt.-Col. Molyneux, 8th Light Dragoons* | No useful classification could be established; the punishment should be suited to the nature and disposition of the culprit. For this reason Regimental Courts-Martial are preferable to others. |
| *Lt.-Col. Campbell, 9th Light Dragoons* | Not possible to establish such a classification, so much must depend upon character and the nature and degree of the offence. As a general rule, tread-mill for serious offences, and solitary confinement for such as were not of an aggravated nature. |
| *Lt.-Col. Lord T. Cecil, 10th Light Dragoons* | Not necessary, as Courts-Martial now refer to previous character and conduct, and, where previous punishment has produced no beneficial result, substitute another. |
| *Lt.-Col. Brutton, 11th Light Dragoons* (Bengal) | The Articles of War already made sufficient provision for this. It would be desirable to have some substitute for hard labour suitable to the climate of India. The tread-mill would be an admirable one for India, if the labour on it could take place under cover, particularly in the hot season. |
| *Lt.-Col. Stawell, 12th Light Dragoons* | Classification objectionable, because it would lead a soldier to calculate how far he could commit himself, and prevent Courts-Martial from deciding with reference to former character and conduct. |
| *Lt.-Col. Townsend, 14th Lt. Dragoons* | No useful classification could be established, as the character of the prisoner and the nature of the crime must be the sole guide to the decision of the court. |
| *Lt.-Col. Badcock, 15th Light Dragoons* | Would be difficult. Courts-Martial, when they find one punishment has previously failed, award a different punishment. |
| *Lt.-Col. Lord Bingham, 17th Light Dragoons* | Would be useless and mischievous, as Courts-Martial should be guided by the character of the individual. The present classification in the Mutiny Act detrimental to discipline, as it brings a majority of offences before Courts-Martial which cannot possess any knowledge of these circumstances. |
| *Col. Sir John Woodford, Grenadier Guards* | Does not recommend classification, as in the application of these punishments reference must be had to character and previous conduct. Hard labour in a public gaol should only be awarded for offences of a disgraceful nature. |
| *Col. Fremantle, Colds. Gds.* | A Board of three officers might be empowered to imprison culprits for short periods without Courts-Martial, as magistrates do. |
| *Col. Keate, Scots Fus. Guards* | Classification would not be useful. The nature of the punishment may be safely left to the decision of the court, who, in awarding one or the other, would be guided by character and habits of prisoner. |
| *Lt.-Col. Carter, 1st Batt. 1st Foot* (West Indies) | No practicable classification could be established, as the amount of punishment to be awarded, which should be always hard labour, should be regulated by state of prisoner's health. |
| *Lt.-Col. Wetherall, 2d Batt. 1st Foot* | Would be difficult, perhaps impolitic, because it would in a manner become known, and every soldier could then award his own punishment. Solitary confinement should be first tried on all occasions. |
| *Maj. Deuchar, Depot, 1st Foot* | None could be established, as Courts-Martial have reference to the discipline of the gaol to which prisoners are to be sentenced. |
| *Captain Jackson, 2d Foot* (Bombay) | Cannot answer this question, hard labour not having been applied in India. |
| *Lieut.-Col. Breton, 4th Foot* (New South Wales) | Would on no account interfere with existing regulations. Courts-Martial can now decide according to the character of the prisoner. |
| *Lt.-Col. Sutherland, 5th Foot* (Mediterranean) | Would not be useful, even if practicable. Courts-Martial should not be fettered, but should be allowed the free exercise of their judgment and discrimination on every case brought before them. |
| *Maj. Lord C. Wellesley, Depot, 5th Foot* | Would only lead to confusion, and it would be very difficult to make any classification of crime or scale of punishment to go by. |
| *Lt.-Col. Farquharson, 7th Foot* (Mediterranean) | Having found imprisonment constantly fail with hardened characters, he cannot suggest any other deviation from the established rules. |
| *Maj. Lord W. Thynne, Depot, 7th Foot* | It would be of service if Courts-Martial were directed not to sentence any soldier to hard labour till solitary confinement had been tried, except in extreme cases. |
| *Lieut.-Col. Cathcart, 8th Foot* (Jamaica) | The Courts-Martial, in apportioning the punishments, must have reference to the circumstances of the regiment, the necessity of example, the character and age of the culprit. |
| *Capt. Machen, Depot, 8th Foot* | Does not feel warranted in giving an opinion, having had but little experience in command. |
| *Maj. Champain, Depot, 9th Ft.* | Hard labour should invariably be awarded for mutiny, striking a superior, second act of desertion, maiming, tampering with health, insubordination, and felonious acts. Common military crimes, as disobedience of orders, absence from duty, making away with necessaries, drunkenness and rioting, and first act of desertion, with solitary confinement. |
| *Lieut.-Colonel Freer, 10th Foot* (Mediterranean) | Would be very difficult. Courts-Martial must be governed by the dispositions of the men, and their knowledge of the manner in which former offences have been treated. |
| *Major Allen, Depot, 10th Foot* | Not practicable, nor likely to be beneficial. An officer well acquainted with the habits of a prisoner might be of service in guiding the court in the nature of its sentence. |
| *Major Derinzy, 11th Foot* (Mediterranean) | The eligibility of either punishment depends so much on the character of the culprit that no scale of general application could be framed. Solitary confinement is by far the more severe punishment, and should therefore be applied to the greater offences and the frequency of the culprit's crimes. |

| OFFICER'S NAME. | ANSWER. |
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| *Lt.-Col. Bisshopp, Dep. 11th Ft.* | Would recommend solitary confinement for young soldiers and their first offence, and for bad characters imprisonment with hard labour. |
| *Lt.-Col. Turbervill, 12th Foot* | Does not think a classification would have any particular result. The Court-Martial must be guided by the character and disposition of the prisoner. |
| *Lt.-Col. Sale, 13th Ft.* (Bengal) | Solitary confinement should be awarded for minor offences and first offences. Hard labour for men guilty of repeated crimes. |
| *Lt.-Col. Everard, 14th Foot* . | As all punishments, to be effectual, must be adapted to the dispositions of the culprits, no general classification for the guidance of Courts-Martial could be well established. |
| *Lt.-Col. Horton, 15th Foot* (Canada) . . . . . | Does not think any classification could be established, as the majority of military crimes originate in drunkenness, and consequently require the same sort of restraint and correction. |
| *Maj. Drought, Depot, 15th Ft.* | Classification not necessary, as Courts-Martial have now the power of investigating into the previous character and conduct of the men brought to trial. The only exception to the awarding solitary confinement should be for old offenders, by giving them a mixed punishment, or rather hard labour first, as the old soldier would feel hard labour more irksome than the young soldier, and the disgrace of a public punishment more, without imbibing the mischievous habits and advice of his associates in a public gaol. |
| *Lt.-Col. Campbell, 16th Foot* (Bengal) . . . . . | No classification could apply to India. The character of the soldier, and a reference to the defaulter-book, would be sufficient guides for a Court-Martial. |
| *Lt-Col. Despard, 17th Foot* (New South Wales) . . | Would be most useful, but is not prepared to suggest the classification. For drunkenness only he would award solitary confinement; if attended with insubordination it should be partly solitary and partly with hard labour, the number of hours for labour varying with the extent of the crime. For making away with necessaries it should be hard labour and stoppages. Theft and disgraceful crimes should always be punished by hard labour and some degrading mark attached to the culprit. |
| *Col. Burrell, 18th Foot* . . | Considers that it would be advisable to class delinquents. The longer the old and frequent offender is deprived of his pay and liberty the better for his corps and for example. Would propose a mixed punishment for the irregular soldier, while for the young he would prefer solitary confinement. |
| *Lt.-Col. Hardy, 19th Foot* (West Indies) . . . . . | Strict solitary confinement would be more dreaded than hard labour, but the prisoners should be on low diet with a vigilant regimental police. |
| *Maj. Raper, Depot, 19th Foot* | As it is the certainty rather than the extent of punishment which tends to prevent crime, he thinks it would be of advantage to the service if every offence had a definite punishment. The previous character of the prisoner might be allowed to operate in his favour with a view to mitigate the sentence. Is not prepared to detail the classification he would suggest. |
| *Lt.-Col. Leahy, 21st Foot* (New South Wales) . . . . . | The present Court-Martial and defaulter-books are sufficient for the guidance of Courts-Martial. |
| *Capt. Keappock, 22d Foot* (Jamaica) . . . . . | Having only had a short temporary command of the regiment, cannot take upon himself to answer this question. |
| *Maj. Pennefather, Depot, 22d Foot* . . . . . | Hard labour is looked upon by the soldiers with greater terror than solitary confinement. The most prevalent crimes, and those which require the strongest measures to suppress, are, in the West Indies, violence and insubordination towards non-commissioned officers, drunkenness, and negligence on guard. At home, desertion, and absence without leave. |
| *Lt.-Col. Harrison, 23d Foot* (Gibraltar) . . . . . | Would be difficult to give any classification for the guidance of Courts-Martial, who must be governed by the disposition and temper of the offender; but both punishments are ineffectual for the disobedient and insubordinately disposed. Prefers the Regimental to any other Court-Martial for the trial of the great majority of military offences. |
| *Maj. Ross, Depot, 23d Foot* . | It should be established that, for a first offence (if the soldier is not of a confirmed bad disposition), solitary confinement should be awarded; for a second offence hard labour. |
| *Col. Tidy, 24th Foot* (Canada) | No classification could be established. In awarding punishment, the character and disposition of the soldier must be considered. |
| *Maj. Kelly, Depot, 24th Foot* . | In all cases is decidedly of opinion that hard labour is the most efficacious punishment, with the exception of the cases of habitual drunkards. |
| *Maj. Young, 25th Foot* (Demerara) . . . . . | For the crimes specified in the Horse Guards' Circular of 24th August, 1833, solitary confinement should be tried in the first instance to the utmost extent allowed; on a second conviction, solitary confinement with hard labour. |
| *Maj. Priestley, Depot, 25th Ft.* | Classification would be useful, but difficult to frame, and subject to so many contingencies, that he can only suggest as a general rule that solitary confinement should be applied to first offences, and if possible in the barracks, and even in subsequent convictions the age and habits of the prisoner should be taken into consideration. Imprisonment with hard labour should only be applied to vicious and hardened characters, as it has a direct tendency to degrade and debase the soldier, and to destroy every principle of honourable feelings within him. |
| *Lt.-Col. Oglander, 26th Foot* (Bengal) . . . . . | Could not devise any useful classification for the guidance of Courts-Martial. The general character of the prisoner and the circumstances of the offence should determine the nature and degree of the punishment; but, from the unfavourable opinion he has of the general tendency of hard labour, he would restrict the employment of this punishment to the most degraded characters. |
| *Lt.-Col. Hare, 27th Foot* . . | Classification would be useful. Courts-Martial should be guided by character of the prisoner. Thoughtless wild characters, with dispositions not naturally bad, would have time for reflection in solitary confinement, but the old and hardened offender, and men of morose and sullen disposition, should undergo hard labour. Would prefer solitary confinement on a first conviction in any case. |
| *Maj. French, 28th Foot* . . | Imprisonment with hard labour for men of bad character, and solitary confinement for men of good character. |
| *Lt.-Col. Simpson, 29th Foot* (Mauritius) . . . . . | The best guidance which could be offered to a Court-Martial would be to possess them of a knowledge of the culprit's habit, temper, and disposition. Soldiers are now so often tried by Garrison Courts-Martial, composed of officers, strangers to them, that it is a mere lottery whether the sentence will be such as will have a good effect. |

| OFFICER'S NAME. | ANSWER. |
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| *Maj. Walter, Depot, 29th Foot* | Thinks classification would be useful, and proposes the following:—imprisonment with hard labour for desertion second time, drunkenness on duty, disgraceful conduct, striking a non-commissioned officer, selling necessaries, theft; and in all minor cases solitary confinement. |
| *Lt.-Col. Robinson, 30th Foot* (Bermuda) | Does not think classification practicable, as the means of carrying the two punishments into effect must vary with the very different climates in which British troops are required to serve. |
| *Maj. Ormond, Depot, 30th Ft.* | Does not think it practicable. The Court-Martial should have a complete account of the prisoner's conduct and punishment. The defaulter-book should be read to the Court. |
| *Major Bolton, 31st Foot* (Bengal) | As hard labour cannot be practised in India, he has no practical experience to discriminate between these punishments. |
| *Maj. Wingfield, 32d Ft.* (Canada) | It would be difficult to make such a classification as would not rather embarrass than assist a Court-Martial. Much depends upon individual character, and it is desirable to avoid exposing a young soldier to contamination in a gaol. Solitary confinement should in general follow first offences. |
| *Maj. Palk, Depot, 32d Foot* | Classification might be advantageous if the punishments could be carried into effect under the immediate superintendence of the officers of the regiment; but, as long as gaols are used for carrying hard labour into effect, he would suggest that none but the very worst and entirely irreclaimable characters should be sent there. |
| *Lt.-Col. Knight, 33d Foot* | No classification could be established. For all crimes and all individuals solitary confinement is the best punishment. |
| *Lt.-Col. Fane, 34th Foot* (New Brunswick) | No. |
| *Capt. Brisbane, Depot, 34th Ft.* | Does not think that any classification could be established with useful results. |
| *Lt.-Col. Goldie, 35th Foot* | Would not be useful, because a Court-Martial is guided in its sentence by the nature and degree of the offence, the character of the prisoner, and the means of punishment available at the time. |
| *Major Cairnes, 36th Foot* (West Indies) | Recommends solitary confinement for outrageous insubordination, drunkenness on duty, under arms, and flagrant disobedience. For habitual drunkenness, selling of necessaries, and repeated minor offences, would recommend imprisonment with hard labour. |
| *Capt. Hare, Depot, 36th Foot* | Would be very difficult. An officer acquainted with the habits and disposition of the culprit might point out to a Court-Martial what punishment would produce the best effect. |
| *Major Manners, 37th Foot* (Jamaica) | Would not be easily accomplished, nor productive of beneficial results; but, to enable the Court-Martial to adjudicate more effectually, it would be desirable that in all cases the prisoner's previous character and disposition should be the subject of minute investigation, and the testimony given by an officer of his corps. |
| *Maj. Kell, Depot, 37th Foot* | The members of a Court-Martial would be better able to judge of the fitting punishment from the character of the prisoner than from any classification of cases. |
| *Major Jebb, 40th Foot* (Bombay) | Men whose general conduct had been previously good should be punished by short periods of solitary confinement; men of bad character by imprisonment with hard labour. |
| *Col. Sir E. K. Williams, 41st Ft.* (Madras) | Cannot answer this, as he has not witnessed the effects of imprisonment with hard labour. |
| *Lt.-Col. Sir C. Gordon, 42d Foot* (Mediterranean) | Classification of crimes would not be useful for the guidance of Courts-Martial. They who administer the law on the spot are the best judges, and limiting their powers might be attended with bad effect. |
| *Major Johnstone, Depot, 42d Foot* | Is hardly necessary, and much may be left to the discretion of the Court. Would only punish with hard labour such extreme cases of insubordinate and disgraceful conduct as formerly met with corporal punishment. |
| *Lieut.-Col. Booth, 43d Foot* | Hard labour in its true sense, and properly enforced, might be beneficially applied to hardened and frequent offenders for desertion, drunkenness, absence without leave, selling necessaries, disobedience, and disrespect to superiors. For such offences, committed by young offenders, solitary confinement. |
| *Colonel Elrington, 47th Foot* (Gibraltar) | For theft recommends corporal punishment and dismissal with ignominy; for drunkenness on duty solitary confinement, except in garrisons, where hard labour might be beneficial to the military station; for habitual drunkenness, stoppage of pay with moderate confinement. The two last offences should not invariably be subjected to Court-Martial. |
| *Maj. Sadleir, Depot. 47th Ft.* | It would not prove advantageous, as it might prevent the Courts-Martial from inquiring into the previous habits and character of the prisoner, which would be their best guide in awarding punishment. |
| *Lt.-Col. Bell, 48th Foot* | Is not able to point out any classification. |
| *Lt.-Col. Bartley, 49th Foot* (Bengal) | For petty offences and irregularities he recommends that a soldier should be deprived of a portion of his pay, to the extent of 1*d.*, 2*d.*, or 3*d.*, a-day, by a Regimental Court-Martial. All men tried for being drunk to be deprived of a portion of their pay by a Regimental Court-Martial. Every man having been three times convicted by a Regimental Court of habitual drunkenness, to be tried by a District Court, with a view to his being corporally punished and discharged with ignominy, the same being notified to his parish. When inferior Courts are authorized to try offences under the 85th Article of War, their powers should be extended, so as to be able to award a punishment commensurate with the crime, and not limited to the maximum of punishment which they can award in other cases. This would be peculiarly applicable to India. |
| *Lt.-Col. Wodehouse, 50th Ft.* (New South Wales) | Classification might be established, and would be useful for the guidance of Courts-Martial. Recommends solitary confinement for drunkenness, breaking out of barracks, selling necessaries; and hard labour for absence without leave, and other minor irregularities. |
| *Maj. Ryan, Detacht. 50th Ft.* | No classification could be laid down for the guidance of Courts-Martial more useful than the present, under which Courts are required to possess themselves of a knowledge of the previous character and general habits of the culprit, and with reference to these, and the nature of the crime, award the punishment. |
| *Maj. St. John, 52d Foot* | No useful classification could be established, as there is as much variety in the circumstances of an offence as in the disposition of offenders, and this is one of the many reasons |

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| | which might be adduced why commanding officers should be invested with more power, and Regimental Courts-Martial be preferable to District Courts. |
| *Capt. Considine*, 52*d Foot* | It is doubtful whether any classification beyond that of awarding solitary confinement to the reclaimable, and hard labour to the irreclaimable, would be beneficial. The refinement of the legislation in the service has been already carried to its maximum, and difficulties would attend a very refined system on foreign service or in the field, where defaulter-books, and former convictions, could not so readily be referred to. The system of recording former convictions tends to create despondency. More power should be given to commanding officers to meet offences of a grave description with decision and promptitude. Regimental Courts-Martial are too much restricted; and the delay in assembling and carrying into effect the sentence of a District or General Court is productive of evil consequences. The graver the crime the more requisite the example, and the more summary should be the trial. |
| *Lt.-Col. Considine*, 53*d Ft.* (Mediterranean) | The punishment, whether of hard labour or solitary confinement, should depend more on the disposition of the culprit; and it is on this account that Regimental Courts-Martial may be advocated, because, from the officers knowing the dispositions of their men, they can generally award that punishment which would be most beneficial. |
| *Maj. Butler, Depot*, 53*d Ft.*. | Would be inclined on a first conviction to award solitary confinement, and, on a repetition of the crime by the same individual, hard labour. |
| *Lt.-Col. Craigie*, 55*th Foot* (Madras) | Would reserve imprisonment with hard labour, which, if properly enforced, would be the severer punishment of the two, for offences of the worst class, such as being drunk on duty, habitual drunkenness, violent or insubordinate conduct to superior officers, and would apply solitary confinement to minor offences. At the same time, in awarding these punishments, reference should be had to the character and disposition of the prisoner. |
| *Lt.-Col. Prichard*, 56*th Foot* (Jamaica) | Reference to the defaulter-book of the regiment would be the best guide for Courts-Martial. |
| *Maj. Eden, Depot*, 56*th Foot* . | Hard labour appears most applicable to drunkenness and desertion; and solitary confinement to minor offences, and for shorter periods. |
| *Colonel Clifford*, 58*th Foot* (Ceylon) | Proposes to invest Regimental Courts-Martial with power to award hard labour for two months, and solitary confinement for one month, and to inflict, in certain cases, a fine of 20*s.*, with loss of all claim to reckon service for pay, pension, or clothing, during confinement. |
| *Maj. Ricketts, Depot*, 58*th Ft.* | Suggests imprisonment with hard labour for desertion, drunk on duty, malingering, self-mutilation, stealing from a comrade or military officer, disgraceful conduct, gross insubordination, and malicious destruction of property; and solitary confinement for neglecting orders on duty, absence from parade, losing or spoiling arms, insubordination, habitual drunkenness, and other minor offences. |
| *Lieut.-Col. Fuller*, 59*th Foot* (Gibraltar) | Is not prepared to lay down such a classification as could be generally useful for the guidance of Courts-Martial. Short periods of solitary confinement best for first offences, and hard labour for repeated crimes. |
| *Maj. Gordon, Depot*, 59*th Ft.* | Solitary confinement should be tried with young offenders. Imprisonment in a common gaol might prove useful for hardened offenders, and aggravated crimes. |
| *Lt.-Col. Bunbury*, 1*st Batt.* 60*th Foot* (Mediterranean) | Any further classification would be rather detrimental, as rendering the military code complicated. The extent of the punishment would depend more upon the knowledge the Court might possess of the disposition of the delinquent, and for this reason he would prefer Regimental Courts-Martial. |
| *Major Trevelyan, Depot*, 1*st Battalion*, 60*th Foot* . . | The Court should be guided by the character of the individual, and the nature of the offence. |
| *Lt.-Col. Ellis*, 2*d Batt.* 60*th Foot* . . . . . | Solitary confinement should be resorted to for first offences, and, if it failed to produce a reformation, hard labour might then be tried at the tread-mill, it being a more degrading punishment. But the soldier should not be aware of any classification, and a Court-Martial frequently feels itself called upon to decide with reference to habits and conduct. |
| *Colonel Darley*, 61*st Foot* (Ceylon). . . . . | Classification, although desirable, would be difficult, as so much must depend upon the nature and circumstance of the offence, and the character of the offenders. |
| *Major Forbes, Depot*, 61*st Ft.* | Soldiers convicted of first offences, if not of very great magnitude, should be sentenced to solitary confinement; on a second conviction within two years, to hard labour. |
| *Lt.-Col. Fairtlough*, 63*d Foot* (Madras) . . . . . | A man on whom solitary confinement has been tried without effect ought to be sentenced to hard labour, particularly for habitual drunkenness. |
| *Lt.-Col. Kirkwood*, 64*th Foot* (Jamaica) . . . . . | Confining points of this kind might be injurious to the service. The nature of the crime, and the character of the individual, must influence the decision. |
| *Major Freeth, Depot*, 64*th Ft.* | Courts-Martial should form their judgment from what is actually brought before them, and on the character of the individual. |
| *Major Farquharson*, 65*th Foot* (West Indies) . . . . | Classification of cases would be of essential benefit. Solitary confinement should be applied to first offences for drunkenness on duty, absence from or neglect of duty, habitual drunkenness, petty thefts, and minor offences. For hardened offenders hard labour should be employed. |
| *Major Walker, Depot*, 65*th Ft.* | So much depends upon the disposition of the individual, that no useful classification could be established. Commanding officer, when applying for a Court-Martial, should give his opinion from his knowledge of the prisoner's disposition of the mode of punishment most likely to be attended with beneficial results. |
| *Col. Nicol*, 66*th Ft.* (Canada) | Thinks no useful classification could be established. |
| *Maj. Daniell, Depot*, 66*th Ft.* | Recommends that for young men solitary confinement would be the best punishment. For serious offences it would be better to resort to hard labour. |
| *Major Brooke*, 67*th Foot* (West Indies) . . . . | The award of a Court-Martial is now determined by the fact of whether the prisoner is an old offender or a new one, of which they have full opportunity of judging. Solitary confinement, when regulated by this circumstance, may have most salutary effects. |
| *Maj. Johnston, Dep.* 67*th Ft.* | So much must depend upon the individual character of the prisoner, that he does not think any classification of cases could well be established. |
| *Lieut. Col. Cross*, 68*th Foot* (Gibraltar) . . . . . | Does not think classification practicable, inasmuch as, when any species of crime becomes prevalent in a regiment, it would require more than the ordinary punishments awarded under other circumstances to put it down. |

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| *Maj. Lord W. Paulet, Depot, 68th Foot* | Not advisable; it would induce the soldier to commit crime, knowing the extent to which punishment can go. Courts-Martial seldom award hard labour till solitary confinement has been tried. Much ought to depend upon the disposition of the prisoner, and the frequency and description of crime he is prone to commit. |
| *Major Brookes, 69th Foot* (West Indies) | It would be difficult to establish any practically useful classification. The best guide for Courts-Martial is an insight into the character and habits of the prisoner, to be gained from the defaulter-book, and a reference to the effect of former punishments. |
| *Major Monins, Depot, 69th Ft.* | Does not like to venture an opinion upon this. |
| *Col. Evans, 70th Ft.* (Gibraltar) | Without sound judgment, and a just discrimination on the part of a commanding officer to prevent crime, all classification would lead rather to evil than good. A crime formidable in appearance on paper dwindles into insignificance on an immediate and prompt investigation into particulars; consequently it would be dangerous to theorize, when the resources of a commanding officer ought to determine it, upon the application of any particular punishment, as it is incumbent upon him to possess a full knowledge of the disposition and habits of those under his orders, and judge what punishment is best calculated to repress crime. |
| *Maj. Kelsall, Depot, 70th Foot* | Thinks it impossible to lay down any classification that would be useful for Courts-Martial. Solitary confinement would produce better effect upon a man of lively disposition and active habits than upon the sluggish and indolent, by whom hard labour would be more dreaded. |
| *Lieut.-Col. Peddie, 72d Foot* (Cape of Good Hope) | No classification of cases could be established, nor would be useful. Hard labour is the most efficacious for hardened offenders, solitary confinement for those less so. |
| *Maj. Hall, Depot, 72d Foot* | Such a classification would only tend to embarrass a Court-Martial, as the character of the culprit must be considered as well as the circumstances of his crime. At some stations a sentence of hard labour cannot be carried into effect, and in some gaols the hard labour is more of an amusement than a punishment, and the culprit is paid for the work he has done. In such places solitary confinement would in all cases be preferable. |
| *Major Lloyd, 73d Foot* (Mediterranean) | Recommends solitary confinement for disgraceful conduct, drunk on guard, asleep on post, insubordination coupled with violence, positive disobedience of orders, absence from guard. Hard labour for habitual drunkenness, desertion, drunk, on a march, embarkation, or disembarkation, absence without leave, selling necessaries, drunk after being warned for duty, inattention to orders not amounting to disobedience, disrespect in conduct or language to a superior. |
| *Maj. Hamilton, Depot, 73d Ft.* | A classification of crimes would be difficult, but he would propose to fix a maximum for each punishment, applying a longer confinement and hard labour to old offenders, and solitary confinement to those who might be reclaimed. |
| *Lieut.-Colonel Mein, 74th Foot* (West Indies) | This must depend upon the general former character of the prisoners. |
| *Maj. Crabbe, Depot, 74th Foot* | It would convey to the soldier an idea of a scale of punishments, which has produced much inconvenience, as soldiers soon become aware of any fixed scale, and are enabled to decide what their punishment will be in any case. The Court will always decide with reference to general character and conduct. |
| *Lieut.-Col. England, 75th Foot* (Cape of Good Hope) | Considers it much better to leave Courts-Martial to decide on cases according to the nature and degree of the offence, and according to the previous character of the prisoner. |
| *Maj. Quill, Depot, 75th Foot* | Imprisonment with hard labour, though not perhaps so productive of reformation as solitary confinement, is more applicable to men of a mean and vicious disposition. |
| *Major Clark, 76th Foot* (West Indies) | No classification would be useful. The Court-Martial would best judge with reference to the circumstances of the offence, and the local means of inflicting punishment. |
| *Maj. Hutchinson, Dep. 76th Ft.* | The only distinction of crimes would be to award hard labonr to offences of great enormity; but a classification of individuals could easily and advantageously be made. The young, and those of an active restless disposition, might be sentenced to solitary confinement; and the middle-aged and old, and those of lazy indolent habits, to hard labour. All this information could be given by the adjutant. The Court should always take the season of the year into consideration, hard labour being most severe in summer, solitary confinment in winter. |
| *Lt.-Col. Bradshaw, 77th Foot* | Solitary confinemeut would be best applied to first offences and young soldiers; hard labour to offences aggravated by repetition, and to individuals whom there is little hope of reforming, but whom it is nevertheless necessary to punish as an example. |
| *Major Douglas, 78th Foot* (Ceylon) | None more useful could be devised than that now applied, namely, to have the record of character and punishments that have been awarded laid before the Court. |
| *Maj. Adams, Depot, 78th Foot* | Classification of cases would be desirable, but is not prepared to suggest one. |
| *Lt.-Col. M'Dougall, 79th Foot* (Canada) | The only classification that presents itself to his mind, is to award solitary confinement for first offences, and hard labour for disgraceful and immoral offences. But, to enable a Court-Martial to form an opinion as to which of these two punishments may prove most efficacious, it is desirable that in all cases the general habits and character of the prisoner should be ascertained by evidence from the adjutant and officers of the company. |
| *Maj. Ferguson, Depot, 79th Ft.* | Cannot give an opinion as to any classification, believing hard labour to be most efficacious, and that solitary confinement is not of much benefit. |
| *Lieut.-Col. Pitt, 80th Foot* | A more distinct classification of punishments for the guidance of Courts-Martial would be very desirable, more especially in the case of desertion: but in awarding imprisonment the previous habits and former convictions of the culprit should be duly considered. |
| *Lieut.-Col. Maclean, 81st Foot* | For young offenders he would recommend solitary confinement; for determined bad subjects the tread-mill or other hard labour. |
| *Lieut.-Col. Hogarth, 82d Foot* | For young soldiers, solitary confinement; for the habitual drunkard and man of vicious habits, hard labour. |
| *Lieut.-Col. Dundas, 83d Foot* (Nova Scotia) | The general character of the prisoners is the only criterion by which a Court-Martial can be guided, unless it were to give a Court additional power in sentencing men guilty of constant irregularities. If these men could be either got rid of, or, when undergoing punishment, be separated from ordinary prisoners, and distinguished by some peculiar dress, and, even when they return to their regiments, be kept apart from their comrades, it might operate beneficially as an example. |

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| *Maj. Trydell, Depot, 83d Foot* | Solitary confinement to first offences and those of a less aggravated nature; hard labour to all cases of desertion, and to cases where solitary confinement has been tried without effect. |
| *Maj. Nicholl, Depot, 84th Foot* | Courts-Martial must decide with reference to character and previous conduct. Solitary confinement being the severer of the two might be applied, when a higher punishment is not awarded, to being drunk on duty, escaping from confinement, leaving a guard or picket, habitual drunkenness, disgraceful conduct, insubordinate conduct to superiors, irregular conduct on escort, and all such crimes. Hard labour would be most applicable to absence without leave, absence from parade, making away with necessaries, neglect of duty, absence from tattoo, improper conduct to non-commissioned officers, breaking out of barracks, and such other crimes as the Court may not deem fit to punish with corporal punishment or solitary confinement. |
| *Colonel Warburton, 85th Foot* | Does not see any advantage likely to result from classification. |
| *Major Stuart, 86th Foot* (West Indies) . . . . | No classification could be made that would be essentially useful to Courts-Martial. |
| *Capt. Creagh, Depot, 86th Ft.* | A classification of crimes would be advantageous were there degrees of punishment for each class of crime, to be applied at the discretion of the Court, but not that the prisoner, previous to trial, should be aware of the sentence that awaited his conviction. A repetition of crime should also ensure an increase of punishment by removing the culprit from one class to another, so that a distinction might be made between the good, the middling, and the really bad character. |
| *Lt.-Col. Streatfeild, 87th Foot* (Mauritius) . . . . . | It would not be possible to class military offences with sufficient accuracy to enable Courts-Martial to form so correct a judgment as by the present mode of producing the record of former offences, and of the punishments which have been previously tried without effect. |
| *Capt. Doyle, Depot, 87th Foot* | No useful classification could be established. The character and habits of the prisoner would be the best guide for a Court-Martial. |
| *Colonel O'Malley, 88th Foot* (Mediterranean) . . . | None beyond the usual practice of showing previous convictions. |
| *Maj. O'Hara, Dep. 88th Foot* | A classification would be useful for guidance of Courts-Martial, as well as officers commanding, for minor offences, and to impress upon the soldiers' minds the knowledge of the penalties they would incur; but it should be in the power of the commanding officer to remit the whole, or any part, according to circumstances and character. But as solitary confinement, except on bread and water diet, is considered trifling, he can only suggest its application where physical causes preclude the offender's undergoing hard labour. |
| *Lieut.-Col. Jones, 89th Foot* . | The best guide for a Court-Martial would be to make themselves acquainted with every particular of a man's previous character and conduct. |
| *Lt.-Col. Arbuthnot, 90th Foot* | A classification not desirable. It is most advisable for the ends of discipline to leave as much power as possible in the hands of officers, and for the soldier to look up to them not only as protectors, but as judges. |
| *Lieut.-Col. Anderson, 91st Foot* | Suggests a classification of men. (*See General Observations.*) |
| *Lt.-Col. M'Donald, 92d Ft.* (Gibraltar) . . . . . | No classification could be advantageously established. The habits, the character, and disposition of individuals would be the best guides for Courts-Martial in awarding punishment. |
| *Major Winchester, Dep. 92d Foot* . . . . . | Suggests, for the men of good character generally, imprisonment without hard labour, but kept separate from every one. For men of indolent habits imprisonment with hard labour; and for the mutinous and insubordinate solitary confinement, with the utmost rigour, and to the greatest extent. |
| *Lt.-Col. M'Gregor, 93d Foot* | Culprits retaining good principle, and those of high spirit, although destitute of principle, feel solitary confinement more irksome, and it is certainly more conducive to reflection and amendment. But that class of men, to be found in every regiment, who are devoid of energy, and marked as lazy, dirty, spiritless, besotted follows, who would rather sleep away a few weeks in solitary confinement than perform ordinary duties, should be sent to hard labour. It might be difficult to convey to Courts-Martial a right conception of the individuals to whom these punishments might be respectively awarded, but their characters might be conjectured from their offences. |
| *Lieut.-Col. Paty, 94th Foot* . | It is desirable that the punishment to be awarded for each description of crime should be defined, and a classification of cases might be useful for the guidance of Courts-Martial. He would suggest imprisonment, with hard labour, for old and hardened offenders, and solitary confinement for first offences. Courts-Martial should be directed to inquire not only into the ages and service, but also into the disposition, habits, &c., of prisoners. |
| *Major Milner, Depot, 94th Ft.* | A classification would be useful for the guidance of Courts-Martial, for it frequently happens that men are committed to a common gaol when their dispositions are not bad, and when their offence has been nothing more than a youthful irregularity, such as absence from quarters after hours. For first offences he recommends solitary confinement and forfeiture of pay for days of absence and day of return, in short for the period during which their services are lost, in addition to any other punishment that may be awarded, which should be hard labour for old offenders. |
| *Lieut.-Col. Campbell, 95th Foot* | Would recommend hard labour (the tread-mill) in cases of insubordination, selling or making away with necessaries, drunk on duty, if brought twice before a Court-Martial; and solitary confinement for theft, gross insubordination, and in most cases, in addition to marking, for desertion. |
| *Major Wrottesley, Depot, 95th Foot* . . . . . | Hard labour should only be applied to offences of a disgraceful nature, and discreditable to the character of a soldier, and in very few instances should the individual so punished be allowed to return to his regiment. Solitary confinement is more applicable to cases of insubordination, drunkenness when on, or for duty, &c., and frequent recurrence of irregular and unsoldierlike conduct. |
| *Major Hill, Depot, 96th Foot* | No classification could be beneficially maintained, as the influence either description of punishment might have on the individual would depend on his temper and disposition; whilst, on the other hand, the commission of particular offences, if followed by certain |

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| | detailed punishments, would, from the previous knowledge of the consequences and penalty to be inflicted, create a propensity to transgress greater than if the kind of punishment were uncertain. |
| *Colonel Hamilton, 97th Foot* (Ceylon) | Is of opinion that almost all crimes should be tried by Regimental Courts-Martial, as the officers of a regiment must be best acquainted with the characters of the men; and great distinction should be made between the good man who inadvertently commits a military offence, and the bad man, who is constantly committing crimes. By the present system the officer has no choice. If a breach of discipline be committed out of the cognizance of a Regimental Court, the case, be the man's character never so good, must go before a District Court, equally with that of a man whose name may occupy whole pages of the defaulter-book. The good man's spirit is broken by this. He finds no appeal can be made to the clemency of his commanding officer, and he becomes reckless. |
| *Capt. Smith, Depot, 97th Foot* | No useful classification could be established, as Courts-Martial must be guided by the character of the prisoner. Proposes that a District Court should invariably award a severer punishment than a Regimental Court-Martial. |
| *Lt.-Col. M'Caskill, 98th Foot* (Cape of Good Hope) | Hard labour appears particularly applicable to strongly-marked cases of insubordination, or a contumacious spirit, although it rarely proves a sufficient correction, and still more rarely operates as an example. Offences of a less grave character may be visited by solitary confinement. |
| *Maj. Le Marchant, Dep. 98th Foot* | Is of opinion that classification of crimes would tend to fetter the free exercise of the powers of a Court-Martial; and that an unrestrained course of deliberation would lead to better results than any prescribed scale. |
| *Lt.-Col. Johnston, 99th Foot* (Mauritius) | Cases of insubordination accompanied by violence or other outrageous conduct, and individuals of violent and unbending disposition, should be punished by solitary confinement, and not by hard labour. |
| *Major Macpherson, Depot, 99th Foot* | In all cases the nature of punishment, whether solitary confinement or hard labour, should depend on character. A young man returns from solitary confinement at least uncorrupted by bad example. For men of confirmed bad character hard labour would be preferable. |
| *Major Hope, 1st Batt. Rifle Brigade* (Nova Scotia) | Doubts whether a classification could be established, although there are cases where solitary confinement might be preferable to hard labour. |
| *Lieut.-Col. Eeles, Depot, 1st Battalion, Rifle Brigade* | Does not think any classification likely to be attended with benefit. |
| *Colonel Brown, 2d Batt. Rifle Brig.* (Mediterranean) | These punishments ought to be awarded on a due consideration of the temper, disposition, and character of the individual, without regard to the class of crime which he may have committed. There are many young men who may have committed military offences, or even crimes, who have still sufficient self-respect, and enough of the pride of the British soldier about them, to feel ashamed of the exposure of being sent to labour with convicts. If this self-respect and spirit were broken down, the sole ground on which a hope of reclaiming them rests would be undermined. For such men solitary confinement is obviously the most proper. On the other hand there are in every corps indolent and indifferent men, to whom solitary confinement would scarcely be a punishment. For such, hard labour ought to be awarded. It is impossible that a Court-Martial should be able to acquire that insight into character and disposition which is requisite to decide which is the most proper punishment. He therefore proposes that a commanding officer, when he gives in a charge against a soldier, should give in a memorandum recommending solitary confinement or hard labour, if the prisoner should be found guilty, leaving the Court to decide on the *quantum*. |
| *Captain Gosset, Depot, 2d Battalion Rifle Brigade* | "I do not." |
| *Lt.-Col. Doherty, 1st W. Ind. Regiment* (West Indies) | Very much doubts the utility of any classification. The more clear and simple the rules for guidance of Courts-Martial the better. |
| *Lt.-Col. Nicolls, 2d W. India Regiment* (West Indies) | All crimes not stated in Lord Hill's circular letter, of 24th August, 1833, and of minor consequence, should be punished by hard labour, with stoppage of pay, and a certain proportion of the time to drill, but to that drill which would maintain the soldier's efficiency. To a black soldier solitary confinement would never be any punishment. |
| *Major Fletcher, Ceylon Reg.* (Ceylon) | The crimes committed by Malays are generally neglect of duty, selling necessaries, or thefts from comrades. For the two former, except in aggravated cases, he would suggest solitary confinement, for the latter hard labour when corporal punishment is not awarded. |
| *Major Burney, Cape Riflemen* (Cape of Good Hope) | Is an advocate for hard labour; but thinks it should be left to the discretion of a Court to inflict either, according to circumstances. |
| *Major de Piro, Malta Fenc.* (Malta) | Would award solitary confinement for a repetition of crime on former conviction: hard labour he considers a secondary punishment, and imprisonment alone he classes with it, deeming solitary confinement the severest of the three, if enforced as it formerly was in this garrison, when an allowance sufficient for the prisoner's sustenance only was granted. |
| *Maj. Du Bourdieu, Pro. Batt.* | The classification of crimes as now laid down by the Articles of War, and the mode now adopted by Courts-Martial, of having reference to former convictions, and to character and habits, appear to offer the best guides for arriving at a proper decision on the punishment to be awarded. |
| *Lt.-Col. Brunton, 13th Light Dragoons* (Madras) | The different shades of character in soldiers are so various that he does not think it would be possible to class them, so as to do justice or to be of use in the decision of Courts-Martial. The best means of enabling a Court to judge what punishment would be most efficacious would be the production of the defaulter-books, and the evidence of the officers best acquainted with the prisoner's character, and the punishments most likely to reclaim him. These are generally known to the officers of a Regimental Court-Martial, but not to those of a District Court. If evidence of this description were made a part of the form of a Court-Martial, and legal to be taken after conviction, it would obviate the necessity for classification. |
| *Lieut.-Col. Dennis, 3d Foot* (Bengal) | As hard labour is not the award of a Court-Martial in India, he cannot answer this question, but he does not recommend that such a punishment should be adopted there. |

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| *Lieut.-Col. Custance*, 9*th Foot* (Mauritius) | Does not think any classification would be useful. Courts-Martial should take character into consideration in awarding punishment. |
| *Lieut.-Col. Green*, 20*th Foot* (Bombay) | Is satisfied that every crime which the British soldier commits has the same common origin, drunkenness; and that the main objects of military legislation are to afford an immediate check to the young offender, in the hope of reforming the man, and that, where confirmed habits render all hopes of amendment vain, the punishment imposed should be such as would deter through fear. For this reason he proposes solitary confinement for the first class, and hard labour for the latter, which should be made as disgraceful as possible. |
| *Lieut.-Col. Piper*, 38*th Foot* (Bengal) | Does not think such a classification could be made in this country. The most frequent crimes of a soldier in India are selling necessaries, irregularities from drunkenness, and violence to officers and non-commissioned officers. For the last he would recommend hard labour, if practicable. |
| *Major Poole*, 39*th Foot* (Madras) | A distinction should be made by Courts-Martial in awarding these punishments, with reference to the habits, character, and disposition of the culprits. |
| *Lieut.-Col. Boys*, 45*th Foot* (Madras) | The classification of cases which he has established in the 45th foot, by sentence of Courts-Martial, is, generally speaking, corporal punishment for theft, when the party can have no character to lose, or for indecencies of a particular character, when they come within the cognizance of a Regimental Court-Martial, as also instances of insubordination of an aggravated nature, such as striking non-commissioned officers. In all other cases of crime solitary confinement is resorted to, but he thinks Regimental Courts are too much limited in their power of awarding solitary confinement as to the number of days. |
| *Lieut.-Col. Fane*, 54*th Foot* (Madras) | Not applicable to India in any manner. |
| *Major Hunt*, 57*th Foot* (Madras) | When imprisonment is awarded by a Court-Martial solitary confinement is preferable, and the Court would be guided by a knowledge of the prisoner's habits and disposition in awarding sentence. |
| *Major Cramer*, 62*d Foot* (Madras) | Cannot suggest any mode of classification, as hard labour is not awarded in India. |
| *Major Pritchard*, 71*st Foot* | Crimes and characters vary so extremely in degree and features that it would be attended with great embarrassment if any classification were established. |

# SUBSTANCE

OF THE

## OPINIONS GIVEN BY THE GENERAL AND REGIMENTAL OFFICERS

(*Continued*).

Always bearing in mind the efficiency of the culprit, as a soldier, what, in your opinion, is the maximum of imprisonment, with hard labour, that could be safely and beneficially inflicted?

| OFFICER'S NAME. | ANSWER. |
|---|---|
| *Maj.-Gen. Sir C. D'Albiac* | Four or five months. Crimes requiring greater punishment should be met by corporal punishment, or discharge with ignominy. |
| *Maj.-Gen. Sir T. M'Mahon* | Cannot be fixed, must be left to judgment of Court-Martial. |
| *Maj.-Gen. Sir W. Cotton* | Three months. |
| *Maj.-Gen. Sir H. Bouverie* | Six months' hard labour, or four with two months' solitary confinement, is the greatest extent to which a District Court-Martial ought to go. |
| *Colonel Sir L. Greenwell* | Under one year—period of course dependent on locality. |
| *Maj.-Gen. Hon. P. Stuart* | Depends upon constitution of the offender. Three or four months, generally speaking, but for notorious offenders a long period may be necessary. The season of the year should always be considered. |
| *Major-General Ross* | For one year by General Court-Martial, four months by District Court-Martial, and two months by Regimental Court-Martial. |
| *Lt.-Gen. Sir H. Vivian* | The physical efficiency of the soldier would not be effected by any length of imprisonment with hard labour, but the efficiency of the corps would be diminished, and the good do the work of the bad. |
| *Maj.-Gen. Sir E. Blakeney* | Three months for 3rd Court-Martial, two months for 2nd, and one month for the 1st. |
| *Major-Gen. Sir J. Douglas* | The present practice judicious as to the length of time, but highly objectionable in its other details. |
| *Maj.-Gen. Macdonell* | Long confinement objectionable, as throwing the duty of defaulters upon good men. On soldiers of cavalry regiments this increased duty falls particularly heavy. |
| *Maj.-Gen. Sir T. Arbuthnot* | From six to twelve months for old and incorrigible offenders. |
| *Lieut.-Gen. Sir W. Houstoun* (Gibraltar) | Imprisonment with hard labour would be effectual in a few cases only, unless a portion should be solitary confinement—maximum six months. |
| *Major-Gen. Sir S. Chapman* (Bermuda) | If culprit attends military exercise once a week, and is obliged to take charge of, and keep clean his arms, no limit can be assigned. |
| *Major-Gen. Sir Lionel Smith* (West Indies) | Three months. |
| *Major-General Middlemore* (Grenada) | Cannot offer an opinion upon this, until the description of hard labour is pointed out. |
| *Major-Gen. Sir Carm. Smyth* (Demerara) | The maximum may be safely fixed at one year; but if a man conducts himself well while in confinement, there should be a power of remitting always a portion of the assigned punishment. Sir C. Smyth has practised this; and the knowledge that the men have that it is in their own power to diminish their punishment has a good effect. |
| *Maj.-Gen. Sir Colin Campbell* (Nova Scotia) | That punishment is very faulty, and least applicable to military offences, the severity of which can only be estimated by its duration. Correction should follow instantly upon crime, and in a way that will come home at once to the offender's feelings; and until hard labour, with its accompanying imprisonment, can be applied so as to be thus felt by the offender, no opinion can be offered as to the period for which it should be awarded. |
| *Maj.-Gen. Sir Amos Norcott* (Jamaica) | One month. |
| *Maj.-Gen. Sir W. Nicolay* (Mauritius) | Two months. |
| *Col. Arthur* (Van Diemen's Land) | Is of opinion that imprisonment in county gaols or public prisons, with or without hard labour, can never, even for a day, be safely and beneficially inflicted with reference to the efficiency of the culprit as a soldier. He is thrown into the company of those more profligate perhaps than himself; he acquires unsoldier-like habits, which tend to render the minute observances of the military life odious to him. His mind is degraded; he is ridiculed, if he has any good qualities remaining, into a conformity with his companions, and he returns to his regiment altered only in his increased knowledge of every kind of wickedness. |
| *Col. Lygon, 1st Life Guards* | Six months, except in very aggravated cases. |
| *Col. Lygon, 2d Life Guards.* | Three months. |
| *Col. Hull, Royal Horse Gds.* | One month. Occasional extra duty falling on a troop through the misconduct of some has a good effect, as the men on their release from confinement are reminded, and probably punished, by their comrades. |
| *Col. Sir G. Teesdale, 1st Dragoon Guards* | Much must depend on the constitution of the culprit; but not more than from six to twelve months. |
| *Maj. Kearney, 2d Dragoon Guards* | Eight or ten months. If that does not reform the culprit, he becomes callous, and totally useless as a soldier. |
| *Lt.-Col. Story, 3d Dn. Gds.* | Should not, particularly in the cavalry, exceed six months. |
| *Lt.-Col. Chatterton, 4th Dragoon Guards* | Six or eight months; but such long association with the inmates of a gaol would be extremely injurious to his character and disposition as a soldier. |
| *Maj. Scarlett, 5th Dn. Gds.* | Should not exceed six months, particularly in the cavalry, where long absence is injurious to the corps. |
| *Lt.-Col. Wildman, 6th Dragoon Guards* | Six months. |
| *Lt.-Col. Clark, 7th Dn. Gds.* | Should not exceed three or four months, particularly in the cavalry, where severe extra duty is thrown on the good men of the corps by the delinquent's absence. |
| *Lt.-Col. Somerset, 1st Dragoons* | Impossible to form an opinion; one man bore six months' imprisonment with hard labour, another twelvemonths, without injury. |
| *Maj. Wyndham, 2d Dragoons* | Six weeks. |
| *Lt.-Col. Stisted, 3d Lt. Dns.* | Three months. Long imprisonments, in the cavalry, interfere with the efficiency of the service. |
| *Lt.-Col. Fendall, 4th Lt. Dns.* (Bombay) | Nine months in a military prison. |
| *Lt.-Col. Madox, 6th Dragoons* | Six months, if the man be in good health, and kept to moderate labour. If in impaired health from irregularity, one, two, or three months. |
| *Lt.-Col. Hill, 7th Lt. Dragoons* | If three months' hard labour will not reform a soldier, it does not appear that any length of that punishment would. |

| OFFICER'S NAME. | ANSWER. |
|---|---|
| *Lieut.-Col. Molyneux, 8th Lt. Dragoons* | If in military prisons, where drills and exercise could be attended to, this punishment might extend to two years. |
| *Lt.-Col. Campbell, 9th Lt. Dns.* | Beneficially, three months. |
| *Lt.-Col. Lord T. Cecil, 10th Light Dragoons* | Any length of imprisonment with hard labour, even a year, might be safely inflicted; but long association with inmates of a gaol would destroy a soldier's principles, and absence from duty his efficiency. |
| *Lt.-Col. Brutton, 11th Light Dragoons* (Bengal) | Cannot practically answer this question, as there is no hard labour assigned to Europeans in India. If the tread-mill be adopted, two years for aggravated crimes. |
| *Lt.-Col. Stawell, 12th Lt. Dns.* | Twelve months. |
| *Lt.-Col. Townsend, 14th Lt. Dragoons* | Six months. |
| *Lt.-Col. Badcock, 15th Light Dragoons* | Six months. |
| *Lt.-Col. Lord Bingham, 17th Light Dragoons* | Six months, when the discipline of the gaol is good, and the sentence rigidly carried into effect. |
| *Colonel Sir John Woodford, Grenadier Guards* | Six months for most military offences; but there are crimes, such as long protracted desertion, which a Court-Martial must visit with a year's imprisonment. |
| *Col. Fremantle, Coldst. Gds.* | Three, four, six, and twelve months are the usual periods. |
| *Col. Keate, Scots Fus. Guards* | The sentences of District Courts-Martial are much too severe in regard to these punishments. If carried effectually into execution, three months. |
| *Lt.-Col. Carter, 1st Batt. 1st Foot* (West Indies) | Could not give any opinion satisfactorily to himself, having seen instances of three, six, and twelve months' hard labour, in all of which their health appeared improved. |
| *Lt.-Col. Wetherall, 2d Batt. 1st Foot* | Imprisonment with hard labour, as now inflicted, objectionable. Community of punishment diminishes its effect. If a soldier deserves more than six months, he should be transported. |
| *Maj. Deuchar, Depot, 1st Ft.* | Six months, except under very aggravated circumstances. |
| *Captain Jackson, 2d Foot* (Bombay) | Cannot answer this question, hard labour not having been applied in India. |
| *Lieut.-Col. Breton, 4th Foot* (New South Wales) | From one to six months. When a man is sent away for a long time from his corps, he thinks himself forgotten, and becomes callous or heart-broken, and either way becomes bad. |
| *Lt.-Col. Sutherland, 5th Foot* (Mediterranean) | With reference to the prisoner's efficiency as a soldier, six months, although that would be a very inadequate punishment for many crimes, unless the mode of inflicting it be greatly changed. |
| *Maj. Lord C. Wellesley, Depot, 5th Foot* | Cannot presume to offer an opinion, his experience being so short. |
| *Lt.-Col. Farquharson, Depot, 7th Foot* (Mediterranean) | Three months. |
| *Maj. Lord W. Thynne, Depot, 7th Foot* | Three months. |
| *Lt.-Col. Cathcart, 8th Foot,* (Jamaica) | It might be extended to any duration without affecting the health, but the loss of services would not be compensated for by any proportionate benefit. Does not see any practicability of rendering hard labour other than a change for the better to those who are devoid of shame, and of lazy and indolent habits. |
| *Capt. Machen, Depot, 8th Ft.* | Six months. |
| *Major Champain, Dep. 9th Ft.* | Six months; and if the crime called for a severer punishment, solitary confinement should be added. |
| *Lieut.-Col. Freer, 10th Foot* (Mediterranean) | By Courts-Martial other than general, four months. |
| *Major Allen, Depot, 10th Ft.* | The discipline of Exeter gaol is very mild as compared with that of the Irish prisons, and the soldiers leave the former gaol with capability of continuing the tread-mill for an indefinite period. They regard the garrison mode of hard labour, by breaking stones, with indifference; and but for the risk of the tread-mill, there are many who would commit crime to avoid duty. |
| *Major Derinzy, 11th Foot* (Mediterranean) | Three months, if strictly enforced. |
| *Lt.-Col. Bisshopp, Dep. 11th Ft.* | Six months, and that only in extreme cases. |
| *Lt.-Col. Turbervill, 12th Ft.* | From two to six months. |
| *Lieut.-Col. Sale, 13th Foot* (Bengal) | Four months. A soldier deserving this twice within twelve months, might be discharged as useless to the service. |
| *Lieut.-Col. Everard, 14th Ft.* | If properly administered, ought not to exceed twelve months. |
| *Lieut.-Col. Horton, 15th Ft.* (Canada) | Three months, if properly enforced. |
| *Maj. Drought, Depot, 15th Ft.* | Three months; but the good that may arise in way of example to the corps, will be counteracted by the injury a young soldier might sustain from his associates in gaol. |
| *Lt.-Col. Campbell, 16th Ft.* (Bengal) | The punishment of hard labour is scarcely practicable in India, the only opportunities being the Presidency gaols, and there it cannot be carried into effect properly. |
| *Lt.-Col. Despard, 17th Foot* (New South Wales) | If a tread-mill be resorted to, and gaol diet only allowed, six months; but as at present undergone, it may be carried to any extent without injury to health. |
| *Colonel Burrell, 18th Foot* | Six months. |
| *Lieut.-Col. Hardy, 19th Foot* (West Indies) | Three months, the labour being within the tropics from half-past five to seven in the morning, and from four to six in the evening, and a strict confinement when shut up. |
| *Maj. Raper, Depot, 19th Ft.* | Four months. |
| *Lieut.-Col. Leahy, 21st Foot* (New South Wales) | Cannot say, as he has known men released after three and six months' hard labour, render themselves liable to the same sentence by misconduct in a short time after their release. |
| *Captain Keappock, 22d Foot* (Jamaica) | Any soldier fit for the service is able to undergo six or eight months of this punishment. |
| *Maj. Pennefather, Depot, 22d Foot* | At home, three months. But in the West Indies that period could not safely be insisted on, even if there were proper means for carrying it into execution. |
| *Lt.-Col. Harrison, 23d Foot* (Gibraltar) | Three months, if the man is to return to his corps, a soldier so soon loses his military acquirements, especially the indolent and dissipated. |
| *Major Ross, Depot, 23d Foot* | Six months. |

| OFFICER'S NAME. | ANSWER. |
|---|---|
| *Col. Tidy*, 24*th Foot* (Canada) | Six months, if conducted under military superintendence. |
| *Major Kelly, Depot*, 24*th Foot* | Four months. If it be necessary to award more, the offender's continuing in the army cannot be beneficial nor creditable to the service. |
| *Major Young*, 25*th Foot* (Demerara) | Six months of solitary confinement with hard labour, or twelve months' imprisonment with hard labour. When these punishments are carried to an extreme extent, they make men hardened. |
| *Maj. Priestley, Depot*, 25*th Ft.* | Three months. |
| *Lt.-Col. Oglander*, 26*th Foot* (Bengal) | The degree of hard labour which is likely to be enforced, and would be consistent with health, need only be limited by considerations of justice as connected with the nature of the crime. The soldier might lose some of his smartness at drill if his confinement were very protracted; but that is a trifling evil. Prefers, however, solitary confinement, or even simple imprisonment. |
| *Lieut.-Col. Hare*, 27*th Foot* | Two months would be sufficient in most cases; but for reckless and abandoned characters, it might be extended to three or four months. Much would however depend on the discipline of the gaol. |
| *Major French*, 28*th Foot* | From four to six months. |
| *Lt.-Col. Simpson*, 29*th Foot* (Mauritius) | Six weeks, or at most two months. |
| *Maj. Walter, Depot*, 29*th Foot* | Six months. |
| *Lt.-Col. Robinson*, 30*th Foot* (Bermuda) | Speaking from observation of the convicts at Bermuda, imprisonment with hard labour can be safely carried to any extent, but he would fix the maximum at two years. |
| *Maj. Ormond, Depot*, 30*th Ft.* | Has not found any benefit arising from confinement in gaol; but the longer the confinement, the greater the relief to the corps, and the only means of keeping bad characters from crime. |
| *Major Bolton*, 31*st Foot* (Bengal) | It is a punishment unknown in this country. |
| *Major Wingfield*, 32*d Foot* (Canada) | As here conducted, the period might be unlimited, and the soldier would lose nothing but his drill, which he would soon re-acquire. |
| *Major Palk, Depot*, 32*d Foot* | If the hard labour be within doors, twelve months; but if in the open air, as in constructing public works, or other labour similar to Dock Yard convicts, could not name a definite period. |
| *Lieut.-Col. Knight*, 33*d Foot* | Four months. |
| *Lieut.-Colonel Fane*, 34*th Ft.* (New Brunswick) | Six months. But it would be advisable to rid the army of men who, by a repetition of grave offences, subject themselves to a lengthened imprisonment. |
| *Capt. Brisbane, Depot*, 34*th Ft.* | Four months. |
| *Lieut.-Col. Goldie*, 35*th Foot* | Under no circumstances to exceed twelve months. |
| *Major Cairnes*, 36*th Foot* (West Indies) | From four to five months. |
| *Capt. Hare, Depot*, 36*th Foot* | This depends so much on the constitution of the prisoner, that it would be difficult to state any distinct period. |
| *Major Manners*, 37*th Foot* (Jamaica) | Six months. |
| *Major Kell, Depot*, 37*th Foot* | Three months. |
| *Maj. Jebb*, 40*th Foot* (Bombay) | Six months. |
| *Col. Sir E. K. Williams*, 41*st Foot* (Madras) | Is unable to give an opinion on this point, as imprisonment with hard labour is not inflicted in the Presidency. |
| *Lieut.-Col. Sir C. Gordon*, 42*d Foot* (Mediterranean) | Four months, and not less than one month. |
| *Maj. Johnstone, Depot*, 42*d Ft.* | Five months, the last being solitary confinement. A soldier deserving a heavier punishment should be dismissed the service after confinement, the gaoler on the commitment receiving the discharge. A power to mark or brand such soldiers should also be allowed. |
| *Lieut.-Col. Booth*, 43*d Foot* | Three months. |
| *Colonel Elrington*, 47*th Foot* (Gibraltar) | Six months. |
| *Major Sadleir, Depot*, 47*th Ft.* | Six months. |
| *Lt.-Col. Bell*, 48*th Foot* | The regiment has so recently returned from India, that he is not able to form a proper judgment at present. |
| *Lt.-Col. Bartley*, 49*th Foot* (Bengal) | Thirty days. |
| *Lt.-Col. Wodehouse*, 50*th Ft.* (New South Wales) | Six months. |
| *Major Ryan, Detach.* 50*th Ft.* | Twelve months. |
| *Major St. John*, 52*d Foot* | Six months. |
| *Capt. Considine*, 52*d Foot* | From two to four months during peace. But a shorter period might be advisable during war. |
| *Lt.-Col. Considine*, 53*d Foot* (Mediterranean) | Six months as he has seen it carried on. |
| *Major Butler, Depot*, 53*d Foot* | When the standing of the culprit in the service is under three years, four months—where it exceeds three years, six months. |
| *Lt.-Col. Craigie*, 55*th Foot* (Madras) | Has not had experience, hard labour not being inflicted in India, to feel competent to answer the question. |
| *Lt.-Col. Prichard*, 56*th Foot* (Jamaica) | Four months. |
| *Major Eden, Depot*, 56*th Foot* | Twelve months. |
| *Colonel Clifford*, 58*th Foot* (Ceylon) | About eight months. |
| *Maj. Ricketts, Depot*, 58*th Foot* | Eight to twelve months. |
| *Lieut.-Col. Fuller*, 59*th Foot* (Gibraltar) | If properly carried into effect it may be extended from one month to six, nine or twelve months. |
| *Maj. Gordon, Depot*, 59*th Foot* | Two or three months, provided the soldier could be separate from the other gaol prisoners. |

| OFFICER'S NAME. | ANSWER. |
|---|---|
| *Lieut.-Col. Bunbury*, 1*st Batt.* 60*th Foot* (Mediterranean) | Judging from the manner he has hitherto seen it carried into execution, is convinced it might be inflicted for almost any length of time, but it should be regulated by climate, the constitution of the prisoner, and the specific nature of the labour. |
| *Major Trevelyan, Depot*, 1*st Batt.* 60*th Foot* | One year. |
| *Lieut.-Col. Ellis*, 2*d Batt.* 60*th Foot* | Four months. |
| *Col. Darley*, 61*st Ft.* (Ceylon) | From six to twelve months in a tropical climate, assuming that the prisoners are kept continually apart during the day, and separately imprisoned at night. |
| *Maj. Forbes, Depot*, 61*st Foot* | Six months. A longer period might have too depressing an effect, and too much lower the soldier in self-esteem. |
| *Lt.-Col. Fairtlough*, 63*d Foot* (Madras) | Two months. |
| *Lt.-Col. Kirkwood*, 54*th Foot* (Jamaica) | A soldier should always be imprisoned within the precincts of his own barracks. Hard labour, if it could be applied, would be beneficial. Should not exceed forty days regimental sentence. |
| *Maj. Freeth, Depot*, 64*th Foot* | It must depend on the nature of the labour. In some gaols in Ireland it is a mere farce. |
| *Major Farquharson*, 65*th Foot* (West Indies) | Four months. |
| *Maj. Walker, Depot*, 65*th Ft.* | Six weeks or two months. If not reformed by this period there would be little hope of his amendment. |
| *Col. Nicoll*, 66*th Ft.* (Canada) | Six months; but is not an advocate for this mode of punishment, as it appears more to deprave than improve the soldier. |
| *Maj. Daniell, Depot*, 66*th Ft.* | Cannot offer an opinion upon this. |
| *Maj. Brooke*, 67*th Ft.* (West Indies) | Would propose to leave the *quantum* of punishment to the discretion of the Court, governed by the circumstances of the prisoner and of the station. Has seen a man after three months' hard labour in England return exhausted to his regiment, while another after twelve months' hard labour in the West Indies has returned in perfect health and strength. |
| *Maj. Johnston, Dep.* 67*th Ft.* | Six months, if carried into effect at the head-quarters of a corps, in breaking stones, levelling broken ground, &c. |
| *Lieut.-Col. Cross*, 68*th Foot* (Gibraltar) | Four months properly carried into effect. |
| *Maj. Lord W. Paulet, Depot*, 68*th Foot* | It depends entirely on the constitution, many being able to undergo a much longer period with impunity than could be safely inflicted upon others. |
| *Major Brookes*, 69*th Foot* (West Indies) | Six months, except in very aggravated cases. |
| *Maj. Monins, Depot*, 69*th Foot* | If carried into effect in a public prison, three months; if under the eye of the commanding officer, six months. |
| *Colonel Evans*, 70*th Foot* (Gibraltar) | Being adverse to the system, except under peculiar circumstances, he has not thought sufficiently on the subject to enable him to speak decidedly. |
| *Maj. Kelsall, Depot*, 70*th Foot* | This must depend on the mental and corporal vigour of the culprit. If the labour were gradually increased in proportion to the strength of the individual, it might be continued for four, five, or even six months without seriously affecting the health; in the case of young men it might strengthen and invigorate the constitution. |
| *Lt.-Col. Peddie*, 72*d Foot* (Cape of Good Hope) | Three months. |
| *Maj. Hall, Depot*, 72*d Foot* | Six months. |
| *Major Lloyd*, 73*d Foot* (Mediterranean) | Four months, when properly inflicted. |
| *Maj. Hamilton, Depot*, 73*d Ft.* | Six months; but it should seldom exceed four. |
| *Lieut.-Col. Mein*, 74*th Foot* (West Indies) | Would not hesitate to condemn an incorrigible character to twelve months. |
| *Maj. Crabbe, Depot*, 74*th Foot* | As far as health is concerned, six months would not be too long; but as his absence would throw duty on his comrades, it should be contracted as much as possible. |
| *Lt.-Col. England*, 75*th Foot* (Cape of Good Hope) | Six weeks, if the hard labour is properly enforced. It is inconvenient to the public to lose a man's services for too long a period. |
| *Maj. Quill, Depot*, 75*th Foot* | Three months in a county gaol or public prison, or four months in a military prison. |
| *Maj. Clark*, 76*th Foot* (West Indies) | The period need not be limited, the prisoner having the benefit of air and exercise. |
| *Maj. Hutchinson, Depot*, 76*th Foot* | Three months, and this only in cases of enormity. Two months is a very severe punishment. |
| *Lt.-Col. Bradshaw*, 77*th Foot* | Three months. |
| *Maj. Douglas*, 78*th Foot* (Ceylon) | Four months by sentence of District Court-Martial. |
| *Maj. Adams, Depot*, 78*th Foot* | Four months. |
| *Lt.-Col. M'Dougall*, 79*th Foot* (Canada) | Hard labour may be extended to almost any period without prejudice to health, and efficiency as a soldier might be maintained by solitary drill. Has seen in the American prisons many who have been in confinement for four years, and some have been ten years, and the health was not materially affected. |
| *Maj. Ferguson, Depot*, 79*th Ft.* | In most cases two months will be found adequate; for grave offences six months, and the maximum nine months. |
| *Lt.-Col. Pitt*, 80*th Foot* | Four months properly administered. |
| *Lt.-Col. Maclean*, 81*st Foot* | Four months, if properly executed. |
| *Lt.-Col. Hogarth*, 82*d Foot* | From four to six months. |
| *Lt.-Col. Dundas*, 83*d Foot* (Nova Scotia) | Three or four months; but it would be a good regulation to make these defaulters on their return pay up the duty which has been done for them in their absence. |
| *Maj. Trydell, Depot*, 83*d Foot* | Six months. |
| *Maj. Nicholl, Depot*, 84*th Ft.* | Four months. |
| *Col. Warburton*, 85*th Foot* | Six months. |

| OFFICER'S NAME. | ANSWER. |
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| *Major Stuart*, 86*th Foot* (West Indies) | The punishment might be extended to twelve months; but the men at hard labour should be drilled twice a week to keep up their efficiency as soldiers. |
| *Capt. Creagh, Depot*, 86*th Ft.* | If it is advisable to continue hard labour in civil prisons for soldiers, he cannot take upon himself to state what the maximum should be, the discipline and labour in civil prisons differing so much. The general officer commanding the station, if abroad, or district at home, could better regulate the maximum. |
| *Lt.-Col. Streatfeild*, 87*th Foot* (Mauritius) | Considering the object to be rather to prevent than punish crime, he thinks it desirable that the powers of Courts-Martial in this respect should not be too much restricted. |
| *Capt. Doyle, Depot*, 87*th Foot* | So much depends on the strength of the man and the severity of the prison discipline, that he has difficulty in answering this question. In some cases he has seen a man suffer more from thirty days than others from the same punishment for three months. |
| *Colonel O'Malley*, 88*th Foot* (Mediterranean) | Three, or in some cases four months, the labour being in reality severe, and the confinement at night solitary. |
| *Maj. O'Hara, Depot*, 88*th Ft.* | From six to nine months, at the tread-mill. |
| *Lieut.-Col. Jones*, 89*th Foot* | Four months, if carried into execution with adequate rigour. |
| *Lt.-Col. Arbuthnot*, 90*th Foot* | Six months. A longer period does not improve the soldier while it causes his duty to be done by the good man. The feeling is gaining ground on the part of the soldiers, that a good man has to do the duty of a blackguard. |
| *Lt.-Col. Anderson*, 91*st Foot* | Four months in a military prison when regularly and strictly enforced. |
| *Lt.-Col. M'Donald*, 92*d Foot* (Gibraltar) | As much will depend upon the nature of the labour, the age, strength and constitution of the culprit, he is not prepared to state a maximum. One man, now as efficient a soldier as any in the service, suffered this punishment for twelve months in 1830. |
| *Maj. Winchester, Depot*, 92*d Foot* | A soldier who is supposed to be equal to all the duties of the service will not suffer in health by any term of imprisonment with hard labour. |
| *Lt.-Col. M'Gregor*, 93*d Foot* | Is not quite prepared to fix a maximum for this punishment, or for that of solitary confinement, it depending so much on the mental and physical constitution of the culprit, as well as on the nature of the climate and the labour. The maximum prescribed in the circular from the Horse Guards of 24th June, 1830, is too little; and on the other hand, the practice prevailing in the West Indies of condemning men to a year's solitary confinement is cruelly long, and destructive in fact of its object, inasmuch as the greater portion of their term is passed in hospital. The maximum of hard labour may be made comparatively short provided the labour is rendered severe. |
| *Lt.-Col. Paty*, 94*th Foot* | From two to three months. |
| *Maj. Milner, Depot*, 94*th Foot* | Two months by district, one month by Regimental Court-Martial. |
| *Lt.-Col. Campbell*, 95*th Foot* | Three months in most cases. |
| *Maj. Wrottesley, Depot*, 95*th Ft.* | Six months; if for longer period he should not return to his regiment. It should be as severe and irksome as possible consistently with the preservation of health. |
| *Maj. Hill, Depot*, 96*th Foot* | Twelve months. |
| *Colonel Hamilton*, 97*th Foot* (Ceylon) | Six months, if proper means of carrying it into execution under a military superintendence, and the strictest discipline could be established. |
| *Capt. Smith, Depot*, 97*th Foot* | Four months, the hard labour severe and the diet low. |
| *Lt.-Col. M'Caskill*, 98*th Foot* (Cape of Good Hope) | Upon the hardened offender a short term makes little or no impression. In the serious cases six, eight, or even ten or twelve months may not be an undue term in a climate like that of the Cape. |
| *Major Le Marchant, Depot*, 98*th Foot* | Six months, if sentenced to the tread-mill, but ten or eleven, if undergoing the punishment of garrison hard labour. |
| *Lt.-Col. Johnston*, 99*th Foot* (Mauritius) | Four months. |
| *Major Macpherson, Depot*, 99*th Foot* | Six months. |
| *Major Hope*, 1*st Batt. Rifle Brigade* (Nova Scotia) | Six months. |
| *Lt.-Col. Eeles, Depot*, 1*st Batt. Rifle Brigade* | Two months, as a punishment for such offences as are generally brought before Regimental and District Courts-Martial. |
| *Col. Brown*, 2*d Batt. Rifle Brigade* (Mediterranean) | Six months, a long and severe punishment; perhaps four months might be sufficient. It would be better to discharge a man with ignominy, than keep him in prison for any period longer than six months, which is the occasion of great expense, without any advantage being derived from his service. |
| *Capt. Gosset, Depot*, 2*d Batt. Rifle Brigade* | Six months. |
| *Lt.-Col. Doherty*, 1*st West Ind. Reg.* (West Indies) | "Safely," he cannot venture to say, the degree of hard labour under sentence of Court-Martial not exceeding that of the labouring peasant; and in all cases the diet of those imprisoned was equally nutritious, and more abundant than that of the Irish peasant, generally speaking. "Beneficially," hard labour, as at present enforced, cannot be inflicted. |
| *Lt.-Col. Nicolls*, 2*d West Ind. Reg.* (West Indies) | Forty days for minor offences; but all pay should be stopped beyond the mere cost of his subsistence and he should not be allowed to miss his drill, and should keep his arms and accoutrements in order. |
| *Major Fletcher, Ceylon Reg.* (Ceylon) | Six months. |
| *Maj. Burney, Cape Riflemen* (Cape of Good Hope) | Three months. |
| *Maj. de Piro, Malta Fencibles* (Malta) | Two months; but he considers one month's solitary confinement on bread and water a much more efficacious punishment. |
| *Maj. Du Bourdieu, Provis. Batt.* | One year. |
| *Lt.-Col. Brunton*, 13*th Light Dragoons* (Madras) | Is unable to answer this question, having been so long absent from England that he does not know what species of hard labour the soldier undergoes. |
| *Lieut.-Col. Dennis*, 3*d Foot* (Bengal) | As he cannot recommend this punishment in India, he cannot answer this question. |

| OFFICER'S NAME. | ANSWER. |
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| *Lieut.-Col. Custance*, 9*th Foot* (Mauritius) | The description of hard labour and imprisonment varies so much, that it is difficult to put any limit to it. As a matter of safety he sees no reason why it should be limited. |
| *Lieut.-Col. Green*, 20*th Foot* (Bombay) | In the supposition that this punishment were introduced into India, and the culprit were a healthy man, three months. |
| *Lieut.-Col. Piper*, 38*th Foot* (Bengal) | Having had no actual experience he cannot speak on this head. |
| *Major Poole*, 39*th Foot* (Madras) | So much depends upon the age, constitution, and habits of the offender, as well as upon the description of hard labour, that it is difficult to answer this question; but it might be inflicted to the extent of twelve months, without in the slightest degree destroying the efficiency of the culprit as a soldier. |
| *Lieut.-Col. Boys*, 45*th Foot* (Madras) | Hard labour cannot be enforced as a punishment in India. |
| *Lieut.-Col. Fane*, 54*th Foot* (Madras) | Not applicable to India. |
| *Major Hunt*, 57*th Foot* (Madras) | Six months. |
| *Major Cramer*, 62*d Foot* (Madras) | Hard labour is not awarded as a punishment in India. |
| *Maj. Pritchard*, 71*st Foot* | Twelve months may be safely inflicted, without injury to the efficiency of the soldier, but it is doubtful whether it would be beneficially so. |

And what the maximum of Solitary Confinement.

| OFFICER'S NAME. | ANSWER. |
|---|---|
| *Maj.-Gen. Sir C. D'Albiac* | Thirty days' entire seclusion from sight and voice of man. Questionable whether sufficient light to read the Bible should not be allowed. |
| *Maj.-Gen. Sir T. M'Mahon* | In winter time may have a baneful effect on constitution. Men should be taken out at very early hours for exercise and not allowed to speak to escort. |
| *Maj.-Gen. Sir W. Cotton* | Six weeks, if really solitary. |
| *Maj.-Gen. Sir H. Bouverie* | If the sentence is solitary confinement only, three months in summer and two in winter. |
| *Col. Sir L. Greenwell* | Three months. |
| *Maj.-Gen. Hon. P. Stuart* | Six weeks a severe punishment. Reference should be had to the season of the year. |
| *Maj.-Gen. Ross* | *Continued* solitary confinement, fourteen days; but this period might be alternated with fourteen days' imprisonment with hard labour to any extent not exceeding the maximum of hard labour proposed in answer to preceding question. |
| *Lieut.-Gen. Sir H. Vivian* | Beyond a month renders the subject of it morose and sullen, and it loses its effect. |
| *Major-Gen. Sir E. Blakeney* | Forty-two days for third Court-Martial, twenty-eight for the second, and fourteen for the first. |
| *Maj.-Gen. Sir J. Douglas* | No alteration necessary in the present limit, but great alteration required in the means of inflicting it. |
| *Maj.-Gen. Macdonell* | Strict solitary confinement should not exceed thirty days. This punishment affords the best opportunity of effecting improvement in the moral character by reasoning and advice. The labours of the clergyman might be beneficially bestowed in this way. |
| *Maj.-Gen. Sir T. Arbuthnot* | Six weeks properly carried into effect. The prisoner should be seen daily by a medical officer. |
| *Lieut.-Gen. Sir W. Houstoun* (Gibraltar) | Six weeks. |
| *Maj.-Gen. Sir F. Ponsonby* | One month. |
| *Major-Gen. Sir S. Chapman* (Bermuda) | Six weeks. |
| *Maj.-Gen. Sir Lionel Smith* (West Indies) | One month, generally speaking, but in no case beyond five weeks. |
| *Major-General Middlemore* (Grenada) | One month, but the soldier in confinement should take his tour of duty; and when on duty or under arms should not wear any ignominious badge or dress. He suggests this to induce in the soldier a feeling that, whilst he is under arms and doing his duty, he is above all other classes. |
| *Maj.-Gen. Sir C. Smyth* (Demerara) | Solitary confinement only should not exceed six days; a longer period always injures the body and frequently the mind. |
| *Maj.-Gen. Sir C. Campbell* (Nova Scotia) | Present means so insufficient as to make the term, solitary, a mere jest among the soldiers. Solitary confinement to be efficacious should be the "stillness of death and the silence of the tomb." One week in a cell on the admirable model of the state prison in Pennsylvania, would do more in repressing crime than a month in any cell belonging to the British army. |
| *Maj.-Gen. Sir Amos Norcott* (Jamaica) | Ten or twelve days. |
| *Major-Gen. Sir W. Nicolay,* (Mauritius) | One month. |
| *Col. Arthur* (Van Diemen's Land) | Of severe solitary imprisonment, two months. |
| *Col. Lygon, 1st Life Guards* | One month. |
| *Col. Lygon, 2d Life Guards* | Six weeks. |
| *Col. Hill, Rl. Horse Guards* | Twenty days, according to the present mode. |
| *Col. Sir G. Teesdale, 1st Dn. Gds.* | From sixty to ninety days. |
| *Maj. Kearney, 2d Dn. Gds.* | Four months, properly inflicted, as efficacious as any length of time. |
| *Lt.-Col. Story, 3d Dn. Gds.* | From two to three months. |
| *Lt.-Col. Chatterton, 4th Dn. Gds.* | Two months. |
| *Maj. Scarlett, 5th Dn. Gds.* | Six weeks of strict solitary confinement. |
| *Lt.-Col. Wildman, 6th Dn. Gds.* | Six months. |
| *Lt.-Col. Clark, 7th Dn. Gds.* | From six to eight weeks, the latter period quite equal to five or six months' hard labour in a public gaol. |
| *Lt.-Col. Somerset, 1st Dns.* | Better information could be obtained from governors of gaols on this point. No man in this regiment has undergone more than six weeks. |
| *Maj. Wyndham, 2d Dns.* | One month. |
| *Lt.-Col. Stisted, 3d Lt. Dns.* | One month. |
| *Lt.-Col. Fendall, 4th Lt. Dns.* (Bombay) | Six months, if strictly enforced; but according to detailed statement in a further answer, twelve months. |
| *Lt.-Col. Madox, 6th Dns.* | Two months, if accompanied with bread and water and moderate exercise twice a day. One month only, if on full diet, as abundant experience has shown. |
| *Lt.-Col. Hill, 7th Lt. Dns.* | Two months. |
| *Lieut.-Col. Molyneux, 8th Lt. Dragoons* | Not above four or five months, though that punishment might form part of a sentence of imprisonment of longer duration. |
| *Lt.-Col. Campbell, 9th Lt. Dns.* | Five or six weeks. |
| *Lt.-Col. Lord T. Cecil, 10th Light Dragoons* | A lengthened period of solitary confinement is not so beneficial as a shorter one, but the punishment should be severe. |
| *Lt.-Col. Brutton, 11th Light Dragoons* (Bengal) | Might be extended to six months, if accompanied with attendance on parades, drills, and stoppage of liquor-money. |
| *Lt.-Col. Stawell, 12th Lt. Dns.* | Two months, if strictly solitary. |
| *Lt.-Col. Townsend, 14th Lt. Dragoons* | Six weeks, with one hour's exercise daily. |
| *Lt.-Col. Badcock, 15th Lt. Dns.* | One month. |
| *Lt.-Col. Lord Bingham, 17th Light Dragoons* | Three months of really solitary confinement. |

| OFFICER'S NAME. | ANSWER. |
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| *Colonel Sir John Woodford, Grenadier Guards* . . . | Two months. |
| *Col. Fremantle, Coldst. Gds.* | If properly enforced, from fourteen days to six weeks. |
| *Col. Keate, Scots Fus. Guards* | Two months. |
| *Lt.-Col. Carter, 1st Batt. 1st Foot* (West Indies) . . . | Generally speaking, many of the ill-conducted soldiers, being callous to disgrace, would prefer the life of lethargy in solitary confinement, to active duty as a soldier. |
| *Lt.-Col. Wetherall, 2d Batt. 1st Foot* . . . . . | Sixty days, if strictly solitary. |
| *Maj. Deuchar, Depot, 1st Ft.* . | Three months, when such can conveniently be inflicted. |
| *Captain Jackson, 2d Foot* (Bombay) . . . . . | Four months, generally speaking. |
| *Lieut.-Col. Breton, 4th Foot* (New South Wales). . . | Four months at the utmost. Long solitary confinement is ruinous alike to mind and body, and the effect produced as a warning, is not commensurate to the suffering of the individual. |
| *Lt.-Col. Sutherland, 5th Foot* (Mediterranean) . . . | For the hardened offender, two months, if not more. In most instances, from three to six weeks. |
| *Lt.-Col. Farquharson, Depot, 7th Foot* (Mediterranean) . | Two months. |
| *Maj. Lord W. Thynne, Depot, 7th Foot.* . . . . . | Two months. |
| *Lt.-Col. Cathcart, 8th Foot,* (Jamaica) . . . . . | Solitary confinement cannot safely be protracted beyond thirty days, that is if strictly enforced. For grave offences perhaps it might be extended to sixty days, but careful observation would be required. |
| *Capt. Machen, Depot, 8th Ft.* | Four months. |
| *Major Champain, Depot, 9th Foot* . . . . . | Three months. |
| *Lieut.-Col. Freer, 10th Foot* (Mediterranean) . . . | Two months. |
| *Major Allen, Depot, 10th Ft.* | If well conducted, four months, but as at present administered, from the defects of the cells, it is no punishment at all. |
| *Major Derinzy, 11th Foot* (Mediterranean) . . . | Six weeks, if strictly enforced. |
| *Lt.-Col. Bisshopp, Depot, 11th Foot* . . . . . | Two months. |
| *Lt.-Col. Turbervill, 12th Ft.* | From six weeks to two months. |
| *Lieut.-Col. Sale, 13th Foot* (Bengal) . . . . . | Four months, provided the award is really carried into effect. |
| *Lieut.-Col. Everard, 14th Ft.* . | Three months in summer and six weeks in winter. |
| *Lieut.-Col. Horton, 15th Ft.* (Canada) . . . . . | One month. |
| *Maj. Drought, Depot, 15th Ft.* | From four to seven weeks, in extreme cases; by being longer, it may lose its effect. Has ascertained, from inquiry, that the first week is the most tedious; every day after, not so much so. |
| *Lt.-Col. Campbell, 16th Ft.* (Bengal) . . . . . | In India should not exceed six months. |
| *Lt.-Col. Despard, 17th Foot* (New South Wales) . . | If really solitary, and the culprit's diet nothing but bread and milk, or tea, three months. |
| *Colonel Burrell, 18th Foot* . | Six weeks. If a young soldier is not improved in that time, there can be but little hope of him. |
| *Lieut.-Col. Hardy, 19th Foot* (West Indies) . . . . | Three months, within the tropics, in properly constructed cells. |
| *Maj. Raper, Depot, 19th Ft.* | Two months. |
| *Lieut.-Col. Leahy, 21st Foot* (New South Wales) . . | Thirty days. |
| *Captain Keappock, 22d Foot* (Jamaica) . . . . . | Six months, for a strong healthy man. |
| *Maj. Pennefather, Depot, 22d Foot.* . . . . . | Three months. |
| *Lt.-Col. Harrison, 23d Foot* (Gibraltar) . . . . . | Six weeks, if strictly enforced. In Gibraltar this punishment is thoroughly carried into execution in the Provost. |
| *Major Ross, Depot, 23d Foot* | Six weeks. |
| *Colonel Tidy, 24th Foot* (Canada) . . . . . | Forty days; much, however, depending on climate and season. |
| *Major Kelly, Depot, 24th Foot* | Two months. Takes occasion to point out the difficulty that has occurred from allowing the period in hospital to count as part of the sentence. Out of seven cases of men sentenced to solitary confinement, five reported themselves sick while undergoing the punishment, and were removed to hospital. The prisoner is of course interested in reporting himself sick, and heavy and dangerous responsibility would rest upon the surgeon, in the event of his refusing to remove the prisoner. |
| *Major Young, 25th Foot* (Demerara). . . . . | Three months. |
| *Maj. Priestley, Depot, 25th Foot* . . . . . | Six weeks. |
| *Lt.-Col. Oglander, 26th Foot* (Bengal) . . . . . | This would depend upon the moral and physical constitution of the man, and the nature of the confinement. Solitary confinement, in the strict sense, involves perfect seclusion from sound of voice, from any amusement, from the view of the sky, and even the privation of the Bible, is an infliction more fearful than death, and has produced in sensitive or guilty minds, suicide or madness. It is on the modification of this extreme principle that the maximum must be regulated. This modification would depend upon the arrangement of the building, and the means of obtaining moral instruction. It would be a most terrible |

| OFFICER'S NAME. | ANSWER. |
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| | and most effectual punishment, if well regulated. After a period of complete seclusion, moral instruction might be allowed through a chaplain, or other fit person, and a relaxation permitted in the way of exercise. By this course, permanent beneficial results might reasonably be anticipated. |
| *Lt.-Col. Hare*, 27*th Foot* . . | Six weeks; but it should never be carried into effect in a public gaol. |
| *Major French*, 28*th Foot* . . | From six weeks to two months. |
| *Lt.-Col. Simpson*, 29*th Foot* (Mauritius) . . . . | If rigidly carried into effect, thirty days. Small sentences of two or three weeks have often the desired effect. |
| *Maj. Walter, Depot*, 29*th Ft.* | Two months. |
| *Lt.-Col. Robinson*, 30*th Foot* (Bermuda) . . . . . | Three months; but the mind suffers so much in this confinement, that the culprit must be carefully watched. |
| *Major Ormond, Depot*, 30*th Foot* . . . . . | Before beds were allowed in the barrack-cells, from ten to twenty days had a good effect, but was soon forgotten. The present system has no effect, many men preferring it to punishment-drill. |
| *Major Bolton*, 31*st Foot* (Bengal) . . . . . | In two instances, one of two years, the other of six months' solitary confinement, good results have followed. |
| *Major Wingfield*, 32*d Foot* (Canada) . . . . . | This would depend upon the constitution of the prisoner, but if his health were carefully watched by a medical officer, the period might be unlimited. |
| *Major Palk, Depot*, 32*d Foot* . | Three months, as at present carried into effect, six weeks if properly administered. |
| *Lt.-Col. Knight*, 33*d Foot* . | Two months, if strict, and on bread and water diet. |
| *Capt. Brisbane, Depot*, 34*th Ft.* | Three months. |
| *Lt.-Col. Goldie*, 35*th Foot* . | Under no circumstances to exceed six months. |
| *Major Cairnes*, 36*th Foot* (West Indies) . . . . . | From three to four months. |
| *Capt. Hare, Depot*, 36*th Foot* . | This should be less by one-third, than imprisonment with hard labour. |
| *Major Manners*, 37*th Foot* (Jamaica) . . . . . | Three months. |
| *Maj. Kell, Depot*, 37*th Foot* . | Six weeks. |
| *Maj. Jebb*, 40*th Ft.* (Bombay) | Should depend on the character of the offence. |
| *Colonel Sir E. Williams*, 41*st Foot* (Madras) . . . . . | A man can bear a longer period of solitary confinement in India than in Europe. The prisoner passes two-thirds of the twenty-four hours in sleep. Has seen men come from two years' solitary confinement hale looking people. |
| *Lt.-Col. Sir C. Gordon*, 42*d Foot* (Mediterranean) . . | Three months, and not less than three weeks. |
| *Maj. Johnstone, Depot*, 42*d Ft.* | Sixty days. |
| *Lt.-Col. Booth*, 43*d Foot* . . | One month. |
| *Colonel Elrington*, 47*th Foot* (Gibraltar) . . . . . | Fourteen days strictly solitary. |
| *Maj. Sadleir, Depot*, 47*th Ft.* | From six to eight weeks, the season of the year being attended to in all cases. |
| *Lt.-Col. Bell*, 48*th Foot* . . | The regiment has so recently returned from India, that he is not able to form a correct judgment at present. |
| *Lt.-Col. Bartley*, 49*th Foot* (Bengal) . . . . . | Thirty days, or six weeks at most. |
| *Lt.-Col. Wodehouse*, 50*th Foot* (New South Wales) . . | Two months. |
| *Maj. Ryan, Detachment*, 50*th Foot* . . . . . | Two months. |
| *Maj. St. John*, 52*d Foot* . . | Six weeks of real solitary confinement. |
| *Capt. Considine*, 52*d Foot* . | Twenty-one days, but it should be rigid solitary confinement, on bread and water. |
| *Lt.-Col. Considine*, 53*d Foot* (Mediterranean) . . . | If properly inflicted, a month, or at the utmost, six weeks. |
| *Maj. Butler, Depot*, 53*d Foot* | Two months. |
| *Lt.-Col. Craigie*, 55*th Foot* (Madras) . . . . . | Six months. |
| *Lt.-Col. Prichard*, 56*th Foot* (Jamaica) . . . . . | Two months. |
| *Maj. Eden, Depot*, 56*th Foot* | Three months. |
| *Col. Clifford*, 58*th Ft.* (Ceylon) | About three months. |
| *Maj. Ricketts, Depot*, 58*th Ft.* | Three months. |
| *Lt.-Col. Fuller*, 59*th Foot* (Gibraltar) . . . . . | From ten to forty days, except for very aggravated cases. |
| *Maj. Gordon, Depot*, 59*th Ft.* | Two months. |
| *Lt.-Col. Bunbury*, 1*st Batt.* 60*th Foot* (Mediterranean) | Six weeks or two months, if properly inflicted. |
| *Maj. Trevelyan, Depot*, 1*st Batt.* 60*th Foot* . . . | Three months. |
| *Lt.-Col. Ellis*, 2*d Batt.* 60*th Ft.* | Six weeks, if strictly carried into effect. |
| *Col. Darley*, 61*st Foot* (Ceylon) | From six to eight weeks in a tropical climate, the diet being bread and water. |
| *Maj. Forbes, Depot*, 61*st Ft.* | Three or four months. Too long a period might prejudice the health. |
| *Lt.-Col. Fairtlough*, 63*d Foot* (Madras) . . . . . | Three months, in extreme cases. |
| *Lt.-Col. Kirkwood*, 64*th Foot* (Jamaica) . . . . . | Thirty days, properly inflicted. |
| *Maj. Freeth, Depot*, 64*th Foot* | Twenty-eight days. |
| *Maj. Farquharson*, 65*th Foot* (West Indies) . . . . | Six weeks or two months. |
| *Maj. Walker, Depot*, 65*th Ft.* | Six weeks would be a very severe punishment, if strictly and literally enforced. |
| *Colonel Nicol*, 66*th Foot* (Canada) . . . . . | Three months. |
| *Maj. Daniell, Depot*, 66*th Ft.* | Has no means of forming a judgment upon this. |

| OFFICER'S NAME. | ANSWER. |
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| *Major Brooke*, 67*th Foot* (West Indies) | Six weeks, if really solitary confinement. |
| *Major Johnston, Depot*, 67*th Foot* | Has seen forty-two days inflicted in barrack cells, without any bad effect. |
| *Lieut.-Col. Cross*, 68*th Foot* (Gibraltar) | Thirty days of rigid solitary confinement in a prison adapted to the purpose. |
| *Major Lord W. Paulet, Depot*, 68*th Foot* | It would depend a good deal on the constitution of the delinquent. |
| *Major Brookes*, 69*th Foot* (West Indies) | Three months sufficient in almost any case. |
| *Major Monins, Depot*, 69*th Foot* | Must depend upon season and climate, and constitution and disposition of delinquent. |
| *Colonel Evans*, 70*th Foot* (Gibraltar) | He must be a hardened offender who is not tamed in six weeks. |
| *Major Kelsall, Depot*, 70*th Foot* | Twenty, or twenty-five days, if the culprit be strictly secluded. |
| *Lieut.-Col. Peddie*, 72*d Foot* (Cape of Good Hope) | Two months. |
| *Major Hall, Depot*, 72*d Foot* | Six weeks. |
| *Major Lloyd*, 73*d Foot* (Mediterranean) | Two months, when properly inflicted. |
| *Major Hamilton, Depot*, 73*d Foot* | Thirty days, but he does not consider solitary confinement a very effectual punishment. |
| *Lieut.-Col. Mein*, 74*th Foot* (West Indies) | A month or six weeks. |
| *Maj. Crabbe, Depot*, 74*th Foot* | It should be contracted as much as possible, but rigorously executed. |
| *Lt.-Col. England*, 75*th Foot* (Cape of Good Hope) | Six weeks; longer periods apt to produce torpor and habitual sullenness. |
| *Maj. Quick, Depot*, 75*th Foot* | Six weeks. |
| *Major Clark*, 76*th Foot* (West Indies) | Two months. |
| *Maj. Hutchinson, Depot*, 76*th Foot* | Two months in summer, six weeks in winter. |
| *Lt.-Col. Bradshaw*, 77*th Ft.* | Six weeks. |
| *Major Douglas*, 78*th Foot* (Ceylon) | Two months. |
| *Maj. Adams, Depot*, 78*th Ft.* | Twelve months, the allowance of food being greater than at hard labour. |
| *Lt.-Col. M'Dougall*, 79*th Foot* (Canada) | Three months of entire seclusion, without work, and with such books only as the clergyman may allow. |
| *Major Ferguson, Depot*, 79*th Foot* | Does not approve of the punishment. A commanding officer might have power to inflict three nights' solitary confinement. |
| *Lieut.-Col. Pitt*, 80*th Foot* | Six weeks. |
| *Lt.-Col. Maclean*, 81*st Foot* | Two months. |
| *Lt.-Col. Hogarth*, 82*d Foot* | From eight to ten weeks. |
| *Lt.-Col. Dundas*, 83*d Foot* (Nova Scotia) | Two months, by District Court Martial. |
| *Maj. Trydell, Depot*, 83*d Ft.* | Two months. |
| *Maj. Nicoll, Depot*, 84*th Foot* | Six weeks. Attention should be paid to the extremes of heat and cold. |
| *Col. Warburton*, 85*th Foot* | Six months. |
| *Maj. Stuart*, 86*th Foot* (West Indies) | Six weeks the longest period in this climate. |
| *Capt. Creagh, Depot*, 86*th Ft.* | Twenty days by Regimental Court Martial. Other Courts should have a less limited power. |
| *Lt.-Col. Streatfeild*, 87*th Foot* (Mauritius) | Not less than six months. But the powers of Courts Martial should not be restricted. |
| *Capt. Doyle, Depot*, 87*th Foot* | To a high-spirited soldier twenty days would be as great a punishment as a month to a lazy indolent man. |
| *Col. O'Molley*, 88*th Foot* (Mediterranean) | One month generally. In some cases from six weeks to two months. |
| *Maj. O'Hara, Depot*, 88*th Ft.* | Twelve months in a dry well ventilated cell, giving animal food once or twice a week. |
| *Lt.-Col. Jones*, 89*th Foot* | Six weeks, or two months in aggravated cases. |
| *Lt.-Col. Arbuthnot*, 90*th Foot* | Two months. |
| *Lt.-Col. Anderson*, 91*st Foot* | This would depend upon the place where the prisoner is to be confined. In a dark cell, from fourteen to twenty-one days. In a cell whence light is not excluded, from six weeks to two months. |
| *Lt.-Col. M'Donald*, 92*d Foot* (Gibraltar) | Three months, supposing the punishment properly solitary, as it ought to be. |
| *Maj. Winchester, Depot*, 92*d Foot* | If it were possible to enforce it in the strict literal sense of the words, one month should be a maximum and fourteen days a minimum. |
| *Lt.-Col. M'Gregor*, 93*d Foot* | Three months, and it is doubtful whether many could bear so much. (*See also answer to preceding question.*) |
| *Lt.-Col. Paty*, 94*th Foot* | From a month to six weeks. |
| *Maj. Milner, Depot*, 94*th Foot* | Twenty days by a Regimental, and one month by a District Court Martial. A longer period might deprive the regiment of the services of the man, from his being obliged to go to hospital with bad eyes. "An instance of this kind has come within my own knowledge. "A man belonging to my depôt was released from solitary confinement a short time "previous to our embarking for Ireland. He went into hospital, and was obliged to be "left behind on the embarkation of the corps. This man did not again do duty with the "depôt for ten months, and has now entirely lost the sight of one eye. I could mention "one or two other instances nearly similar to this." |
| *Lt.-Col. Campbell*, 95*th Foot* | From six weeks to ten. |

| OFFICER'S NAME. | ANSWER. |
|---|---|
| *Maj. Wrottesley, Depot, 95th Foot* | Sixty days. |
| *Maj. Hill, Depot, 96th Foot* | Three months. |
| *Col. Hamilton, 97th Foot* (Ceylon) | Hard labour and solitary confinement should go together. The culprit, when he has completed his day's work, should sleep in a place where he cannot have any one to converse with. |
| *Capt. Smith, Depot, 97th Foot* | Six weeks in a dark cell, on a small allowance of bread and water. |
| *Lt.-Col. M'Caskill, 98th Foot* (Cape of Good Hope) | This punishment works little correction in the hardened offender. In the young soldier, one, two, or three months might be found sufficient. |
| *Maj. Le Marchant, Depot, 98th Foot* | Three months. |
| *Lt.-Col. Johnston, 99th Foot* (Mauritius) | Three months. |
| *Maj. Macpherson, Depot, 99th Foot* | A longer period than three months would affect the man's efficiency as a soldier. |
| *Major Hope, 1st Batt. Rifle Brig.* (Nova Scotia) | Three months. |
| *Lieut.-Col. Eeles, Depot, 1st Battalion, Rifle Brigade* | Objects to solitary confinement, because, after the reading of the sentence the soldiers neither see nor think more of the man so situated, and the example is thus lost to the regiment; and still more strongly because it tends, where strictly carried into effect, to injure the culprit both in body and mind. One month should be the extent of this punishment. |
| *Col. Brown, 2d Batt. Rifle Brigade* (Mediterranean) | All accounts agree that the constitutions and the minds of men are liable to be impaired by it. Two months would be a very heavy punishment. He considers it equal, in point of severity, to double that period of hard labour, as administered in the Ionian Islands. For short periods the two modes of punishment may be equally severe, but the severity of solitary confinement increases in a remarkable ratio as the term is prolonged. |
| *Capt. Gosset, Depot, 2d Batt. Rifle Brigade* | Three months. |
| *Lt.-Col. Doherty, 1st W. In. Regiment* (West Indies) | Properly enforced, which in the present cells would be matter of difficulty, it might be extended to fifty or sixty days, or more, the prisoner receiving, in addition to bread and water, one ounce of prepared cocoa daily. |
| *Lt.-Col. Nicolls, 2d W. In. Regiment* (West Indies) | He would entirely do away with solitary confinement in a black corps. |
| *Major Fletcher, Ceylon Reg.* (Ceylon) | Six weeks. |
| *Maj. Burney, Cape Riflemen* (Cape of Good Hope) | Two months. |
| *Maj. de Piro, Malta Fencibles* (Malta) | One month, if on bread and water, with only boards and a blanket. If otherwise, two months is not too much. |
| *Maj. Du Bourdieu, Provis. Batt.* | Nine months. |
| *Lt.-Col. Brunton, 13th Light Dragoons* (Madras) | It ought to depend greatly on the climate and the place in which the soldier is confined. The limit of twenty days allowed to a Regimental Court Martial, as the maximum which they can award of this punishment, is too little; it might be increased to three months. |
| *Lt.-Col. Dennis, 3d Foot* (Bengal) | District Courts Martial should have the power of awarding to a greater extent than six weeks, which is no punishment, and this frequently diminished to four weeks, when the approving General is at a distance from the regiment, the imprisonment taking effect from the date of the sentence. Recommends that, for every conviction, the award of the Court should be greater, as for instance, for first conviction, twenty days; for second, thirty days; third, forty days; and so on. |
| *Lt.-Col. Custance, 9th Foot* (Mauritius) | Climate and station should regulate the duration of the punishment; he sees no reason to limit it otherwise. |
| *Lieut.-Col. Green, 20th Foot* (Bombay) | Three months. |
| *Lieut.-Col. Piper, 38th Foot* (Bengal) | A soldier released from six months' solitary confinement would, in a few days, be as efficient as ever; but when released they generally fly to drink, which soon sends them to hospital. In a longer period than six months he would require some time to recruit his strength. |
| *Major Poole, 39th Foot* (Madras) | Twelve months. |
| *Lieut.-Col. Boys, 45th Foot* (Madras) | The award of Regimental Courts might be extended to thirty days. This might have the effect of stopping a career of crime, and render it unnecessary to arraign the culprit before the higher tribunals who have more extended powers. |
| *Lieut.-Col. Fane, 54th Foot* (Madras) | Men in India have undergone solitary imprisonment for three, six, and sometimes twelve months, and have returned to their duty as efficient soldiers. |
| *Major Hunt, 57th Foot* (Madras) | Six months. |
| *Major Cramer, 62d Foot* (Madras) | Three months. Very long periods of solitary confinement are calculated neither to reclaim the culprit nor to be attended with benefit to the service. The prisoner, so long out of sight, is forgotten, as well as his crime, and the good effect which example should produce is lost. |
| *Major Pritchard, 71st Foot* | "None." |

# SUBSTANCE

OF THE

# OPINIONS GIVEN BY THE GENERAL AND REGIMENTAL OFFICERS

(*Continued*).

Have your experience and observation suggested to you any improvements that might be made in the present mode of carrying these punishments into effect?

| OFFICER'S NAME. | ANSWER. |
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| *Maj.-Gen. Sir C. D'Albiac* | Solitary confinement should be complete seclusion, and in either case the punishment should be summary. Fatigue duties in barrack yards rather an indulgence. |
| *Maj.-Gen. Sir T. M'Mahon* | By the infliction of these punishments the good man is compelled to do the bad man's duty. Cannot suggest any improvement except stoppage of pay. |
| *Maj.-Gen. Sir H. Bouverie* | No improvement can be made while soldiers are sent to the public gaols. |
| *Maj.-Gen. Hon. P. Stuart* | In Glasgow bridewell the man has his labour to perform in his cell, and has no intercourse with his fellow prisoners. This rule should be adopted, if possible, in all cases. |
| *Maj.-Gen. Ross* | Except for *disgraceful* offences, the men should be under military superintendence when in imprisonment; solitary or otherwise. |
| *Lt.-Gen. Sir H. Vivian* | Decidedly disapproves of public prisons. |
| *Maj.-Gen. Sir E. Blakeney* | The solitary confinement should be strict solitude. The hard labour in military prisons. The best systems to be previously ascertained by a competent person visiting all the gaols. |
| *Maj.-Gen. Sir Jas. Douglas* | Hard labour and perfect silence as prescribed at the Auburn penitentiary in America, with religious advice from an unseen chaplain, as described by Steuart and Hall. |
| *Maj.-Gen. Macdonell* | Every permanent barrack should have adequate places of confinement, and means of carrying both punishments into effect. The men should not be sent to public prisons, where they are compelled to associate with the worst characters. |
| *Maj.-Gen. Sir T. Arbuthnot* | The present cells in barracks are badly constructed. Improvement should be made in them, and they should be placed under the charge of a serjeant. The hard labour should be, in barrack yards, in breaking stones, or in military prisons attached to barracks. Commanding officers should have power to punish refractory prisoners with solitary confinement and bread and water for forty-eight hours. |
| *Lieut.-Gen. Sir W. Houstoun* (Gibraltar) | Solitary confinement should be perfectly so. For hard labour the introduction of the tread-mill. |
| *Major-Gen. Sir F. Ponsonby* (Malta) | Solitary confinement with only bread and water for a week, would have a good effect. |
| *Major-Gen. Sir S. Chapman* (Bermuda) | An appropriate building should be constructed in Bermuda, and a provost-martial appointed, with power to inflict corporal punishment, not exceeding forty lashes, or solitary confinement on the refractory. |
| *Major-Gen. Sir Lionel Smith* (West Indies) | At least ten airy and properly constructed cells for solitary confinement, in the true sense of the term, should be attached to every barrack, and time in hospital should not count as part of the sentence. |
| *Major-General Middlemore* (Grenada) | Objects to the tread-mill. Hard labour should be in the open air, making and repairing roads, clearing government grounds, forming gardens, &c. |
| *Major-Gen. Sir Carm. Smyth* (Demerara) | Every barrack should have the means of confining culprits sentenced to hard labour apart from the other soldiers. Where the garrison consists of more than one regiment there should be a provost-serjeant. |
| *Major-Gen. Sir C. Campbell* (Nova Scotia) | Cells for solitary confinement, in the strict and literal sense of the term, should be built wherever troops are quartered, and a walled enclosure with suitable buildings for hard labour. |
| *Maj.-Gen. Sir Amos Norcott* (Jamaica) | These punishments should always be carried into effect under the eyes of the commanding officer, and in places erected expressly for this purpose. Every commanding officer has it always in his power to employ men at hard labour equally as much as they now undergo in public prisons, and under no circumstances whatever should a soldier be imprisoned with a view to hard labour in any public gaol, wherein, by being forced to associate and work with the various classes of prisoners, he becomes callous, from contamination, to the desire of improvement. |
| *Major-Gen. Sir W. Nicolay* (Mauritius) | A few more solitary cells are absolutely requisite at each barrack on this station, and there should be allotted to each regiment a separate and secure place for hard labour. |
| *Col. Arthur* (Van Diemen's Land) | It should be introduced as a rule, that unless it is intended to expel a man from his regiment, the soldier's punishment should never be substituted for, or to the exclusion of, his military duties and observances. It should be a something superadded to them, or a deprivation of pay, or of some indulgence or comfort. Military duties should never be exacted as a punishment, but on the other hand, they should never be relaxed while the soldier is under punishment. The grovelling fellow who dislikes his duties and customary restraint would not then have it in his power to regard relief from military exercises as a set off against punishment, nor would he lose his expertness as a soldier. |
| *Col. Lygon, 1st Life Guards* | None. |
| *Col. Lygon, 2d Life Guards* | There should be means of carrying all punishments into effect at the head-quarters of the regiment. |
| *Col. Hill, Royal Horse Guards* | Low diet, as bread and water, should be added to solitary confinement, in which case, twenty days would be too long a period. Hard labour should be within the barracks. |
| *Colonel Sir G. Teesdale, 1st Drag. Guards* | The hard labour should be in proper prisons in the barracks. The maintenance should be on the scale of a public prison, and the prisoners should not be allowed to communicate with their comrades. |
| *Maj. Kearney, 2d Drag. Gds.* | If possible the punishments should be carried into effect under the superintendence of the commanding officer. |
| *Lt.-Col. Storey, 3d Drag. Gds.* | Can suggest no improvement, having seldom had an opportunity of inflicting these punishments in barracks. |
| *Lt.-Col. Chatterton, 4th Drag. Guards* | All military punishments should be inflicted within the barrack walls. A soldier, for a military offence, should not be made the inmate of a gaol to associate with felons and the dregs of the population, where he can scarcely escape contamination. The punishment is intended as an example both to the soldier and the civilian, whereas, in gaols, the latter only sees it, and its benefit upon the army is totally lost. |
| *Maj. Scarlett, 5th Drag. Gds.* | Culprits removed to a distant gaol are forgotten by their comrades. Hard labour should be in a barrack prison, and the cavalry soldier should not escape his ordinary duties of cleaning his horse, and other spare horses. |
| *Lt.-Col. Wildman, 6th Drag. Guards* | Suggests a mixed punishment of hard labour and solitary confinement. |
| *Lt.-Col. Clark, 7th Drag. Gds.* | Not desirable to commit a soldier to a public prison unless for solitary confinement. They cannot escape contamination. Two barracks in each district should have a portion enclosed |

| OFFICER'S NAME. | ANSWER. |
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| | by a very high wall, and fitted up for carrying sentences of hard labour into effect under military control. The refractory to be subjected to solitary confinement. |
| *Lt.-Col. Somerset*, 1*st Dragoons* | Can suggest no improvement with regard to hard labour, but solitary confinement should be in public gaols as being more severe than in any barrack cells. |
| *Maj. Wyndham*, 2*d Dragoons* | None, beyond confining the punishment to public prisons. |
| *Lt.-Col. Stisted*, 3*d Lt. Dns.* | Men do not mind being confined in barracks so much as in gaols, where the discipline is very strict. Although there is objection to the associating with bad characters, it is preferable to send bad characters for confinement to gaols and houses of correction. |
| *Lt.-Col. Fendall*, 4*th Lt. Dns.* (Bombay) | Recommends military prisons for the reception of soldiers exclusively, one of the advantages of which would be ascertaining the result of the punishment awarded. Details two instances of failure of punishment from the situation in which they were inflicted. In one, a man sentenced to solitary confinement in a regimental cell, necessarily had a companion, from the cells of that regiment being full, while his partner in crime suffered really solitary confinement in the cell of another regiment. In another instance a man sentenced to labour in a public gaol became a favourite of the gaoler, who made him overseer, and at his death left this soldier a considerable sum of money. |
| *Lt.-Col. Maaox*, 6*th Dragoons* | Uniformity of system, and separate prisons for soldiers confined for military offences. |
| *Lt.-Col. Hill*, 7*th Lt. Dragoons* | A soldier undergoing sentence of confinement, should be removed from all possible sight and knowledge of his comrades and every class of people, except the gaoler. |
| *Lt.-Col. Molyneux*, 8*th Lt. Dns.* | These punishments should be inflicted in military prisons, and as much as possible under the eyes of the soldiers. There should be in every barrack a good prison and the means for hard labour. |
| *Lt.-Col. Campbell*, 9*th Lt. Dns.* | By having the means of punishment within the barracks. |
| *Lt.-Col. Lord T. Cecil*, 10*th Lt. Dns.* | Cells for solitary confinement should be far apart, dark, cold, and out of hearing of any thing going on. Hard labour should not be undergone with felons in a gaol. |
| *Lt.-Col. Brutton*, 11*th Lt. Dns.* (Bengal) | All fatigue duties in India are unusual, and could not be established without authority. Men could not be induced to work in a garden for their own benefit, without being paid; it might be expedient, therefore, to subject defaulters in the cold season to labour in the cantonments in levelling, repairing drains, making roads, &c. |
| *Lt.-Col. Stawell*, 12*th Lt. Dns.* | Military offenders should be kept from others in public gaols and on low diet, and the governors made responsible that the punishment awarded is strictly inflicted. |
| *Lt.-Col. Townsend*, 14*th Lt. Dns.* | Hard labour in the Provost prison, Dublin, more efficacious than in the public prisons; and solitary confinement in barracks has more effect on the culprit than in gaols. |
| *Lt.-Col. Badcock*, 15*th Lt. Dns.* | Hard labour carried on in public before their comrades, would have a much better effect than as now when it is carried on in private. |
| *Lt.-Col. Lord Bingham*, 17*th Lt. Dns.* | A detached prison should be annexed to every barrack with suitable cells to ensure perfect solitude. Strict system of prison diet. Commanding officers to be empowered to appoint a provost-serjeant. |
| *Col. Sir J. Woodford, Gren. Gds.* | Silence should be generally enforced in public prisons, and industrious occupation permitted. Proper books should be allowed to those in solitary confinement who can read. |
| *Col. Fremantle, Colds. Gds.* | Thinking both punishments inefficacious, can suggest nothing in the way of improving the administration of them. |
| *Col. Keate, Scots Fus. Gds.* | Solitary confinement might be effectually carried into execution if proper places were erected in each barrack; present places unsuitable. No more effectual mode for hard labour than present system. |
| *Lt.-Col. Carter*, 1*st Batt.* 1*st Foot* (West Indies) | No improvement can be made in the system of hard labour. Men undergoing solitary confinement should be subsisted on bread and water only. |
| *Lt.-Col. Wetherall*, 2*d Batt.* 1*st Foot* | Neither of these punishments is well administered at present. The hard labour should be performed in silence under strict overseers, and the prisoners should occupy separate cells at night. |
| *Maj. Deuchar, Depot*, 1*st Ft.* | The soldier should be separated from the common felon. |
| *Capt. Jackson*, 2*d Foot* (Bombay) | Term of imprisonment awarded should be undergone; time in hospital should not be allowed to reckon. |
| *Lt.-Col. Breton*, 4*th Foot* (New South Wales) | The man in solitary confinement should be allowed his great-coat only and no bed, and his food should be bread and milk. Hard labour should, as far as practicable, be in view of the regiment, such as cleaning drains, forming a regimental garden, and cleaning and washing the barracks. Cannot, however, call to mind, during twenty years' service in the same regiment, more than two or three cases of permanent reform, and these had no reference to any particular system of management. |
| *Lt.-Col. Sutherland*, 5*th Foot* (Mediterranean) | There is a great want of a specific system for the infliction of these punishments. In the case of hard labour the number of hours for work should be regulated for each station by general orders from home, and the greatest quantity of work that could be performed by an able-bodied man should be the daily task assigned. It should be performed in perfect silence, and, if possible, out of the sight of each other. Brisk marching about in full equipment might be substituted on some stations. In solitary confinement they should be fed on bread and water, and no bedding allowed, hard lying and low diet being what a soldier most complains of. All above the actual cost of their food, which would not ordinarily exceed four-pence a day, should be absolutely forfeited. |
| *Maj. Lord C. Wellesley, Depot*, 5*th Foot* | Can suggest no particular alterations. |
| *Lt.-Col. Farquharson*, 7*th Ft.* (Mediterranean) | Has none to suggest. |
| *Maj. Lord W. Thynne, Depot*, 7*th Foot* | Cells more suitable for real solitary confinement than the present, and the means of enforcing hard labour in the barracks. |
| *Lt.-Col. Cathcart*, 8*th Foot* (Jamaica) | Good cells in a conspicuous part of the barracks, properly prepared for seclusion. The name, crime, and sentence of each culprit to be posted on the door, and every means taken to keep the man and his offence in the minds of his comrades. |
| *Capt. Machen, Depot*, 8*th Foot* | Proper cells should be erected in every barrack: the present generally unsuitable. |
| *Maj. Champain, Depot*, 9*th Foot* | Better cells should be constructed for solitary confinement, the efficacy of the punishment consisting in its perfect solitude. Hard labour should always be the tread-mill, and the gaoler should have no power of alleviating the punishment awarded. |

| OFFICER'S NAME. | ANSWER. |
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| *Lt.-Col. Freer*, 10*th Foot* (Mediterranean) | Task-work would be preferable in sentences of hard labour, and not performing the task to subject the man to bread and water on the following day; and the bedding should be less comfortable than in barracks. |
| *Maj. Allen, Depot*, 10*th Foot* | Closer confinement in well-constructed cells. Great-coat and blanket only allowed for first six weeks; attendance on prisoner but once a day. Less bread than is at present supplied, and locking up in separate cells at night after daily hard labour. |
| *Maj. Derinzy*, 11*th Foot* (Mediterranean) | Much of the benefit intended to arise from the infliction of these punishments depends upon the means and manner of executing them. Hard labour should be much more severe than heretofore, and exacted with the utmost strictness; silence and regularity should be observed; the exact quantity and quality of the food should be regulated. Solitary confinement should be strictly solitary, and not as at present in cells so closely adjoining that prisoners can converse, and not feel that loneliness which only can produce the effect intended. |
| *Lt.-Col. Bisshopp, Depot*, 11*th Foot* | Cells detached from the barracks, to make solitary confinement really such, would have a good effect. |
| *Lt.-Col. Turbervill*, 12*th Foot.* | The men in solitary confinement should be prohibited from having intercourse with any individual, even at their meals, and the time allotted for exercise. The cells should be dark, as in Winchester bridewell. |
| *Lt.-Col. Sale*, 13*th Foot* (Bengal) | The cells should be so constructed that the prisoner could have no conversation even with the sentry. They should be built over the guard-room, and the exercise should be taken in galleries lighted from above. |
| *Lt.-Col. Everard*, 14*th Foot* | No improvement can take place until the establishment of suitable places at military stations. |
| *Lt.-Col. Horton*, 15*th Foot* (Canada) | Solitary confinement should be rendered more irksome, by the prisoner being allowed to take air and exercise only once a day, instead of twice as at present. |
| *Maj. Drought, Depot*, 15*th Ft.* | Thinks the system adopted in Carlisle gaol better than most. The cell there admits but little light, the bedding the same as in the barracks, but no sheets are allowed. At six in the morning the prisoner is visited by the turnkey, and marched into the yard alone, where he is allowed ten minutes for washing and other purposes, at which time he receives his daily allowance of bread and water; he is then marched back to his cell, from which his bedding has been taken. At half-past eight he is marched to chapel, where he sits by himself and sees nobody but the clergyman; he returns to his cell, and is not visited until seven in the evening, when his bed is put back. Once or twice a week he gets half a pound of cheese; he is not allowed to see any one, except by order of his commanding officer. |
| *Lt.-Col. Campbell*, 16*th Foot* (Bengal) | There should be established regulations for the treatment and diet of prisoners in confinement, as the system varies in different corps. |
| *Lt.-Col. Despard*, 17*th Foot* (New South Wales) | The punishment of hard labour might be greatly improved by erecting tread-mills in all garrisons, for soldiers exclusively. Solitary confinement should be strictly so, and in better constructed cells. |
| *Col. Burrell*, 18*th Foot* | In large garrisons the hard labour might be under the orders of the Ordnance. The example of the men working under escort might assist in deterring others. |
| *Lt.-Col. Hardy*, 19*th Foot* (West Indies) | The hard labour should be at some public work in the barrack, the solitary confinement in better cells. |
| *Maj. Raper, Depot*, 19*th Ft.* | It would prove beneficial to the service if all punishments for military offences were carried into execution at the head-quarters of the corps. |
| *Lt.-Col. Leahy*, 21*st Foot* (New South Wales) | Both these punishments, the hard labour being on a tread-mill, should be carried into effect in the barracks, within view of the other soldiers. |
| *Captain Keappock*, 22*d Foot* (Jamaica) | No. |
| *Maj. Pennefather, Depot*, 22*d Foot* | Can suggest no improvement as far as relates to solitary confinement; but hard labour should be performed more under the eyes of the other soldiers. |
| *Lt.-Col. Harrison*, 23*d Foot* (Gibraltar) | It would have a better effect upon a corps generally, if arrangements were made in all barracks for the due execution of these punishments, so as to keep the prisoner and his crime in the constant recollection of his comrades. Nothing humiliates and subdues a vicious soldier more than to be exposed to his regiment in a state of degradation; he recommends therefore that a soldier who has degraded himself so far as to become the inmate of a prison, should be stripped of his coat and clothed in a prison dress. |
| *Major Ross, Depot*, 23*d Foot* | Hard labour in company with civil prisoners should be avoided. |
| *Colonel Tidy*, 24*th Foot* (Canada) | These punishments should always be carried into effect in the barracks of the corps. |
| *Major Kelly, Depot*, 24*th Ft.* | The associations in public gaols must be demoralizing to the soldier. Hard labour should be carried into effect in the different barracks, so that the soldiers could witness the disgrace. |
| *Major Young*, 25*th Foot* (Demerara) | The improvement he would suggest is the adoption of the American system of prison discipline, as described in Basil Hall's Travels. |
| *Maj. Priestley, Depot*, 25*th Foot* | If they could be carried into effect within barracks, or rather where soldiers only were received, it would be a decided improvement. |
| *Lt.-Col. Oglander*, 26*th Foot* (Bengal) | Hard labour should be carried on with a bread and water diet, which diet should be changed only under the orders of a surgeon. The labour should be from seven to ten hours daily, in perfect silence, and if possible apart from other culprits; after the labour the confinement should be in separate cells. Perfect silence should be preserved even at meals. But this punishment should be inflicted on those only who are to be removed from the service, and *after* they are drummed out. Solitary confinement should be made an opportunity of conveying moral instruction, which should be introduced as an indulgence, first for one hour, then for two, then the use of books, and afterwards admission to a class. This system would work on the heart and understanding to their improvement. |
| *Lt.-Col. Hare*, 27*th Foot* | Better situations should be selected in barracks for the solitary cells and the hard labour, which might be on the system of the Cavan and Enniskillen gaols, breaking a certain quantity of stone before the meal was issued, and occasional labour at the tread-mill should be established within the barrack walls. |
| *Maj. French*, 28*th Foot* | Has reason to believe that these punishments have been rigidly enforced in public gaols, therefore suggests a military prison. |

| OFFICER'S NAME. | ANSWER. |
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| *Lt.-Col. Simpson*, 29*th Foot* (Mauritius) | Is not an advocate for the punishment of hard labour in a tropical climate. There is a positive necessity for constructing a few more cells for solitary confinement. |
| *Maj. Walter*, *Depot*, 29*th Foot* | None, further than the adoption of a military prison. |
| *Lt.-Col. Robinson*, 30*th Foot* (Bermuda) | The places for solitary confinement should be quite isolated, and the diet bread and water. Hard labour should be attended by an absence of all social intercourse, as low a diet, and as much restraint as possible. |
| *Maj. Ormond*, *Depot*, 30*th Ft.* | Beneficial results have attended solitary confinement, when arrangements were made to secure perfect seclusion, with the exception of one visit a day for inspection and to convey food. Hard labour could be made effectual in barracks, if the culprit were compelled to support and clothe himself by his earnings in breaking stones, he receiving no pay during his confinement, and wearing a dress of disgrace; yellow would be most conspicuous. Three months of such imprisonment would not fail to reform the worst of culprits. |
| *Major Bolton*, 31*st Foot* (Bengal) | Common imprisonment in the Congee House is the only punishment that has come under his observation. |
| *Maj. Wingfield*, 32*d Ft.* (Canada) | Commodious prisons should be constructed in all places where troops are permanently stationed. Hard labour should be performed in these prisons. The messes for the prisoners should be cooked separately, as soldiers sympathize with those in trouble, who frequently, at present, get a double portion. If any balance of pay accrued during confinement, it should never be issued in cash; his necessaries should be kept up, and the surplus either retained by his captain to be laid out as occasion required, or recredited to the public. Solitary confinement should be enforced in properly constructed cells, and the place for exercise should be enclosed, the prisoners taking exercise singly. |
| *Maj. Palk*, *Depot*, 32*d Foot* | Cells for solitary confinement should be built separately and singly in different parts of the barrack. No bedding should be allowed except on the recommendation of the medical officer—the food bread and water, at the rate of 2lbs. of bread daily—no communication allowed, except with the clergyman, who should have access to the prisoner at all times. The men at hard labour should also be kept in solitary confinement when not employed, the diet to be proportioned to the severity of the work. |
| *Lt.-Col. Knight*, 33*d Foot* | Is not aware of any improvements that could be made while it continues necessary to send culprits to county gaols. |
| *Lt.-Col. Fane*, 34*th Foot* (New Brunswick) | No. |
| *Capt. Brisbane*, *Depot*, 34*th Ft.* | If strictly and rigidly carried into effect, no alteration in the modes would be necessary. |
| *Lt.-Col. Goldie*, 35*th Foot* | The solitary cells should be so placed as to make the punishment really solitary, which is not the case in almost any military station. |
| *Major Cairnes*, 36*th Foot* (West Indies) | Without a change in the mode of confinement, has nothing to suggest. |
| *Capt. Hare*, *Depot*, 36*th Foot* | Cells in the proportion of two or three for every hundred men which a barrack is capable of containing should be built at every station, with a walled yard, in which each prisoner should labour for a certain time each day, always by himself. The labour, breaking stones, and the diet, bread and water. He would thus be under the care of the officers of his own corps. |
| *Major Manners*, 37*th Foot* (Jamaica) | The cells for solitary confinement might be ventilated from the top, or constructed in such a manner as to preclude the possibility of access or communication. |
| *Maj. Kell*, *Depot*, 37*th Foot* | Imprisonment with hard labour should be carried into effect in barracks, the men when the labour was over living in the barrack cells. |
| *Major Jebb*, 40*th Foot* (Bombay) | They could be better carried into effect if there were prisons exclusively for the military. |
| *Col. Sir E. K. Williams*, 41*st Ft.* (Madras) | Cannot suggest any; but the best place he has seen for carrying solitary confinement into effect is that at St. Anne's, Barbadoes. |
| *Lt.-Col. Sir C. Gordon*, 42*d Foot* (Mediterranean) | The hard labour should be severe, and the prisoners confined in separate cells when not at work. The diet of prisoners in solitary confinement should be bread and water. They should have some straw to lie on, where there are not boards, and a blanket for a covering. |
| *Major Johnstone*, *Depot*, 42*d Foot* | Much may be done with the disobedient and refractory by depriving them of some part of their ordinary allowance of victuals. Prisoners should be kept separate and distinct, and not allowed to hold any communication with one another. No soldier to be employed as a house-servant. The earnings of all military prisoners in public gaols to be forfeited to the public. |
| *Lieut.-Col. Booth*, 43*d Foot* | The military prisoners, in public gaols, should if possible be kept separate from the other prisoners by day as well as night. Cells for solitary confinement should be constructed so as to prevent all communication between the prisoners, which is not the case at present. |
| *Colonel Elrington*, 47*th Foot* (Gibraltar) | Recommends imprisonment in military places of confinement, and not in public gaols. |
| *Maj. Sadleir*, *Depot*, 47*th Ft.* | Allotting a portion of each day to military exercises to keep up the soldier's efficiency, and enforcing strict silence. |
| *Lt.-Col. Bell*, 48*th Foot* | Suggests a military prison where there should be a complete separation of the prisoners, except when at work, and perfect silence be maintained. |
| *Lt.-Col. Bartley*, 49*th Foot* (Bengal) | Prisons under military control should be built, one portion of the building for solitary confinement, and the other for hard labour. |
| *Lt.-Col. Wodehouse*, 50*th Ft.* (New South Wales) | A strict system of provost, and cells established in every barrack. Has found a provost-serjeant of great service. |
| *Maj. Ryan*, *Detacht.* 50*th Ft.* | Cells should be erected for solitary confinement at each permanent military station, on the principle of those recently built at Chatham. The hard labour should be carried on as at Maidstone gaol. The effects of these punishments are totally lost when inflicted at other places, especially in Ireland, where the labour is breaking stones merely, and where the men, even in the Dublin Provost, converse freely, and in some of the Irish gaols are employed as servants, and useful people about the prison. |
| *Maj. St. John*, 52*d Foot* | The hard labour should be performed in total silence, which might be enforced by penalties, such as reduction of diet, additional work, bread and water, &c. Solitary confinement, to be effectual, should be in cells where there was very little light, and where sound could not |

| OFFICER'S NAME. | ANSWER. |
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| | penetrate. Bread and water the only diet, and no communication but with the medical officer. |
| *Capt. Considine*, 52*d Foot* | The governors and keepers of prisons should be compelled to keep military delinquents more rigidly at hard labour. Silence should be enforced during work. Solitary confinement should be most severely and literally observed. The culprit should have no communication with any one, and the diet should be bread and water. |
| *Lt.-Col. Considine*, 53*d Ft.* (Mediterranean) | An uniform system of solitary confinement should be laid down, from which no one should be permitted to depart. Cells should be built for solitary confinement at each barrack. |
| *Maj. Butler, Depot*, 53*d Ft.* | A system of solitary confinement with hard labour might be advantageously established in barracks, under which the prisoners being brought from their cells at certain hours might be compelled to perform a certain quantity of task-work in silence. Suggests cleaning shot, in the machines kept for that purpose by the Ordnance Department. |
| *Lieut.-Col. Craigie*, 55*th Foot*, (Madras) | Hard labour should be carried into effect in establishments formed for the purpose, the prisoners being locked up in separate cells, except when at hard labour. |
| *Lt.-Col. Prichard*, 56*th Foot* (Jamaica) | The cells should be so constructed as to prevent communication between the prisoners and persons outside them, which is not the case in Jamaica. |
| *Maj. Eden, Depot*, 56*th Foot* | Suggests military prisons for hard labour; and bread and water diet for solitary confinement, which should be in better constructed cells, and the men not allowed their bedding. |
| *Colonel Clifford*, 58*th Foot* (Ceylon) | Proper cells, in the proportion of one for each company, should be constructed at all stations, and also proper places for imprisonment with hard labour. The men whilst at work to be prevented communicating with each other, and their punishment to be remitted or mitigated in proportion as their conduct deserved it. |
| *Maj. Ricketts, Depot*, 58*th Ft.* | Soldiers sent to public gaols for hard labour should be separated from other prisoners, among whom there are generally very bad characters. |
| *Lieut.-Col. Fuller*, 59*th Foot* (Gibraltar) | Military prisons at head-quarters would prevent much evil communication, and bring offenders more under the notice of their comrades. |
| *Maj. Gordon, Depot*, 59*th Ft.* | There should be cells for solitary confinement at every barrack, for imprisonment at head-quarters, to operate effectually on the individual, and as an example on others. |
| *Lt.-Col. Bunbury*, 1*st Batt.* 60*th Foot* (Mediterranean) | An uniform system should be adopted for solitary confinement, and a certain number of well-constructed cells attached to each barrack; from six to eight would be useful. This punishment should always be carried into effect at the regiment, under the exclusive charge of a steady non-commissioned officer, to be denominated Regimental Provost Serjeant. |
| *Major Trevelyan, Depot*, 1*st Battalion*, 60*th Foot* | Suggests military prisons. (*See answer on that subject.*) |
| *Lt.-Col. Ellis*, 2*d Batt.* 60*th Foot* | The present cells are entirely unfit for the purpose intended. Each cell should be separate, only lighted from the ceiling, and they should open into a court yard, into which no one should be allowed to enter but the person to deliver rations. At hard labour the soldier should be prevented holding conversation with others, and locked up immediately after his work is over. |
| *Colonel Darley*, 61*st Foot* (Ceylon) | Solitary confinement, on bread and water, in a properly constructed cell, cannot be improved. In the tropics the cells should be properly ventilated. |
| *Major Forbes, Depot*, 61*st Ft.* | Solitary confinement should not be carried into effect at head-quarters where comrades are the gaolers, and naturally disposed to sympathize with the prisoner. The very name of a gaol has an imposing effect. |
| *Lt.-Col. Fairtlough*, 63*d Foot* (Madras) | When soldiers in solitary confinement are brought out for exercise, such ought to be strictly military, and the habits of a soldier kept in practice by occasional drill. |
| *Lt.-Col. Kirkwood*, 64*th Foot* (Jamaica) | Imprisonment, with useful labour, might be improved if a prison calculated for the purpose were attached to all large barracks. Solitary confinement should be strictly such. A separate class of buildings comprising a prison, solitary cells, and a defaulter's room. The prison to have a yard for exercise, and separate conveniences for each cell. |
| *Major Freeth, Depot*, 64*th Ft.* | Solitary confinement should be strictly enforced, and in military cells. Hard labour should be really hard, and not breaking stones or picking oakum. |
| *Major Farquharson*, 65*th Foot* (West Indies) | For effect and example, these punishments should be carried through at the head-quarters of corps, and the means for doing so effectually made available. |
| *Major Walker, Depot*, 65*th Ft.* | The hard labour appears to be effectually performed in civil prisons. Solitary confinement is not now sufficiently strict. The time in hospital should not be allowed to reckon as part of the punishment. One man sentenced to twenty days' solitary confinement was, on the fourth day, taken into hospital, and came out the day after his imprisonment expired. The man sentenced to solitary confinement should not be informed of the extent of the punishment awarded. |
| *Col. Nicol*, 66*th Ft.* (Canada) | The cells for solitary confinement should be in buildings detached from the barracks, and surrounded by a high wall, and so constructed as to exclude all sounds from the prisoner. |
| *Maj. Daniell, Depot*, 66*th Ft.* | Has observed the greatest difference in the manner of carrying these punishments into effect. In some cases, the solitary confinement is strict, and the diet during the whole period bread and water; in others, they mess with their companies, &c. |
| *Major Brooke*, 67*th Foot* (West Indies) | The hard labour should be task-work, and for every reported inattention, half a day should be added to the sentence. They should wear a patch-work dress while in prison. |
| *Maj. Johnston, Dep.* 67*th Ft.* | For solitary confinement, an improved construction of the cells, so as to entirely cut off all communication with other prisoners, and to be kept invariably on the lowest diet. For hard labour, a well-constructed lock-up room, warmed from without. There may be some difficulty in supplying work, but in Ireland, generally, there is a deficiency of wholesome water for culinary purposes. The labour of procuring this water in water-carts might be imposed on prisoners. |
| *Lieut. Col. Cross*, 68*th Foot* (Gibraltar) | There ought to be a tread-mill established in every barrack, or portion of a military district, for carrying these punishments into execution, without mixing with the culprits of a gaol. |
| *Maj. Lord W. Paulet, Depot*, 68*th Foot* | In solitary confinement, no improvement, except restriction of diet. But hard labour should be inflicted in a military place of confinement, where the soldier would not be mixed with the worst criminals. |
| *Major Brookes*, 69*th Foot* (West Indies) | Many improvements might be made in carrying these punishments into effect in foreign garrisons. The hard labour should be such as would not bring the men together, and when |

| OFFICER'S NAME. | ANSWER. |
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| | not at work they should be separately confined. Solitary confinement should be in appropriate cells, and so constructed as to prevent all converse between the prisoners. |
| *Major Monins, Depot, 69th Ft.* | Suggests that solitary cells should be so built as to prevent communication between culprits. Each cell should have daylight for a certain number of hours by means of windows with shutters, and be provided with a Bible and Prayer-book. Bread and water only should be allowed three or four days out of the seven. The difference of his pay, instead of being credited to the public, should be appropriated to the purchase of a prison-dress. Time in hospital should not be allowed to reckon. |
| *Col. Evans, 70th Ft.* (Gibraltar) | The cells for solitary confinement should be so constructed as to prevent all communication with others, and the person who furnishes the food, which should be of the plainest kind, should not be permitted to speak a word to a prisoner. The effects of such isolation are, in practice, astonishing. |
| *Maj. Kelsall, Depot, 70th Foot* | Suggests a mixed punishment. (*See answer to following question.*) |
| *Lieut.-Col. Peddie, 72d Foot* (Cape of Good Hope) . . | They should be carried into effect at the head-quarters of corps, and under the immediate superintendence of the commanding officer; and he should be empowered to orde t culprits, on their release, to make up all those duties, as guards, &c., which their well-conducted comrades have had to perform for them. |
| *Maj. Hall, Depot, 72d Foot* . | Strongly objects to the practice in some public prisons of paying soldiers for the work they have done. |
| *Major Lloyd, 73d Foot* (Mediterranean) . . . | Recommends that a keep, capable of containing about twenty prisoners, be built in every barrack, to be in charge of a serjeant as police-serjeant. All men imprisoned there for hard labour or solitary confinement to have a particular dress, which should be put on in presence of the corps. The hard labour to consist in keeping clean the barrack and hospital, yard, privies, sewers, &c., digging and cultivating ground belonging to the barrack, breaking stones, &c.; no smoking to be allowed, and no conversation when at work. One hour a day to be allotted to cleaning arms, which, except bayonet and ammunition, should be in prisoner's possession. Also to be employed in conveying to barrack-rooms coals, wood, and, in fine, to take as much as possible off the shoulders of well-behaved men. Time in hospital not to count as part of imprisonment. Soldiers now avail themselves of this permission and feign illness, and medical officers are very tenacious in interfering. |
| *Maj. Hamilton, Depot, 73d Ft.* | The hard labour should be brought more immediately under the eye of the soldier, for though it is at present highly advantageous in deterring the offender himself from a repetition of crime, it has not that effect upon discipline it would have, if it were brought more under the observation of others. |
| *Lieut.-Colonel Mein, 74th Foot* (West Indies) . . . . | Approves of military prisons in place of public gaols, but suggests stone-breaking instead of tread-mill, by which men are liable to be ruptured. |
| *Maj. Crabbe, Depot, 74th Foot* | Suggests military penitentiaries attached to each barrack, or that an officer should occasionally visit the different prisons where soldiers are confined, and make a report of the manner in which the sentence is being carried into execution. |
| *Lieut.-Col. England, 75th Foot* (Cape of Good Hope) . . | The tread-mill, if attainable, might perhaps remove all the objections commonly made to hard labour, but stone-cutting and road-making appear good occupations for military criminals. In all cases idleness and conversation between prisoners should be prevented. The men in solitary confinement should be prevented from conversing one with another even when brought out for exercise. |
| *Maj. Quill, Depot, 75th Foot* . | Cells should be built in each barrack to deprive the defaulter of all intercourse or of conversation with others. |
| *Major Clark, 76th Foot* (West Indies) . . . . | Suggests a military prison; or that soldiers sent to public gaols should be separate from the civilian prisoners. |
| *Maj. Hutchinson, Dep. 76th Ft.* | The exercise allowed to a prisoner in solitary confinement should, in winter, be in a passage in which there is a fire. As a punishment, any other species of hard labour but the tread-mill is far too lenient. |
| *Lt.-Col. Bradshaw, 77th Foot* | Cells for solitary confinement should be so constructed as to prevent the possibility of any communication between the prisoners; and that the prisoners be visited once a day only, and weekly by a medical officer; and that the daily quantity of food be less than that supplied to other soldiers. |
| *Major Douglas, 78th Foot* (Ceylon) . . . . . | Public prisons are objectionable. Suggests the construction of a certain number of solitary cells for each barrack, and that the hard labour should be under military superintendence in a military prison. |
| *Maj. Adams, Depot, 78th Foot* | None, except military prisons. |
| *Lt.-Col. M'Dougall, 79th Foot* (Canada) . . . . . | From deficiency of means of inflicting these punishments, no fair trial has been made of them. He proposes that ranges of separate cells, with a separate yard, be annexed to every barrack. That the cells for solitary confinement be of such a size, and so ventilated, as to allow due exercise within them, and that all conveniencies be provided so as to ensure the total seclusion of the prisoner. That the cells for hard labour, when such labour is intended to be carried on within them, should also have sufficient dimensions, ventilation, &c. In Philadelphia State prison, where the hard labour is carried on inside, there are two apartments opening one into the other, allotted for each prisoner, one for work, the other for sleeping, and the prisoner never quits these during his confinement. He also proposes that the cells should be so lighted, that the prisoner could read such books as the clergyman might allow. That the clergyman and commanding officer should act in concert, occasionally visiting the prisoner; and when assured that he is a real penitent, part of the sentence might be remitted. That from the moment a prisoner enters a solitary cell, he should be debarred from all communication with every person but his guard and the clergyman. That those sentenced to hard labour should, while in their cells, be treated in the same way, and when at work should not be allowed to speak to any one. That hard labour out of doors should be carried on under the notice of the soldiery, but apart from civilians, as soldiers exposed to public degradation fall so greatly in their own moral estimation as to become reckless. That no more food should be allowed while in confinement than is absolutely necessary, and that that quantity should even be reduced, if possible, for misconduct while in confinement. |

| OFFICER'S NAME. | ANSWER. |
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| *Maj. Ferguson, Depot, 79th Ft.* | Is decidedly against allowing a soldier to be imprisoned in a common gaol, where he is suffered to herd with rogues and vagabonds. He thinks it essential that each man should be kept in a separate cell during the night, and that whilst at work during the day no conversation should be allowed among the prisoners. |
| *Lieut.-Col. Pitt, 80th Foot* . | Solitary cells, of a proper description, should be attached to every barrack, so constructed as to prevent the prisoners being able to converse, and quite dark. The diet to be bread and water only. The exercise not to exceed one hour and a half daily. In this manner they might be subsisted, including soap and clean linen, for 4*d.* a day, leaving 2*d.* a day to the captain if the prisoner should be in debt, or otherwise carried to the public account. Such a punishment could not fail to make a deep impression on the prisoners' comrades, as they would daily witness the penalty his offence has entailed; whereas now, after the promulgation of the sentence, the culprit is lost sight of, and almost forgotten until his return to duty. Would also recommend garrison and district tread-mills; those in districts to be under the superintendence of civilians, and those in garrisons under provost-marshals. |
| *Lieut.-Col. Maclean, 81st Foot* | The rules in regard to hard labour in public gaols are good, but all conversation should be strictly prohibited. The cells for solitary confinement should be so constructed as to prevent all communication. |
| *Lieut.-Col. Hogarth, 82d Foot* | An improvement might be made by the adoption of any effective mode of punishment which would obviate the necessity of sending a soldier to civil prison. |
| *Lieut.-Col. Dundas, 83d Foot* (Nova Scotia) | In many places a sentence of hard labour is more nominal than real. Sweeping and picking up stones in a barrack-yard cannot be called hard labour. In garrison towns there should be a superintendent to take charge of all offenders, and where public works were erecting these men might have a certain daily task assigned to them, which should occupy from eight to ten hours in summer, and six to eight hours in winter. Erection of tread-mills, where other means could not be found, would be advantageous. |
| *Maj. Trydell, Depot, 83d Foot* | The culprit's diet should consist of bread and milk only. He has found good effects resulting from this. |
| *Maj. Nicholl, Depot, 84th Foot* | The cells for solitary confinement should be so constructed as to prevent the possibility of the prisoners conversing. The men, while at hard labour or walking out for exercise, should also be prevented from all communication. |
| *Colonel Warburton, 85th Foot* | Suggests a military prison in place of sending soldiers to public gaols. |
| *Major Stuart, 86th Foot* (West Indies) . . . . | Suggests that a greater number of solitary cells, properly constructed for the due enforcement of this punishment, should be added to barracks. The hard labour, where practicable, should be on the public works, the prisoners having tasks to perform before being allowed their food. |
| *Capt. Creagh, Depot, 86th Ft.* | Solitary confinement should be properly and uniformly inflicted under the superintendence of commanding officers of garrisons or barracks, and in proper cells. Its duration might be considerably reduced. Is decidedly opposed to hard labour in civil prisons as a punishment for soldiers. |
| *Lt.-Col. Streatfeild, 87th Foot* (Mauritius) . . . . . | These punishments, as at present inflicted, are much too lenient. Recommends that prisoners imprisoned for hard labour should always be solitary when not at work, as much mischief arises from the combination of culprits thus brought together; and as additional duties are thrown on good soldiers by the imprisonment of offenders, he suggests that the latter should be required to take their regular turn of duty on guard, the days they are so employed not counting as part of the sentence; and the same in regard to the period they may be in hospital, which is generally the consequence of intemperance. |
| *Capt. Doyle, Depot, 87th Foot* | It would be a great improvement if military delinquents could be kept entirely separate from civil prisoners. The soldiers should, if possible, even when on the tread-mill, or when taking exercise from solitary confinement, be, if possible, kept apart from all other prisoners. |
| *Colonel O'Malley, 88th Foot* (Mediterranean) . . . . | The hard labour should be, in reality, as hard and severe as possible, consistently with a due regard to the prisoner's health and strength. The solitary confinement should be strictly so. Suggests that soldiers undergoing these punishments should be divested of all regimental or military dress, and be provided with some coarse and cheap prison-dress, each individual confined contributing a portion of the expense of these dresses. |
| *Maj. O'Hara, Dep. 88th Foot* | Considers the management and treatment of military delinquents in Maidstone gaol, as conducted by Mr. Agar, the governor (an old soldier), good; but would prefer its being carried into effect on the same principles in quarters. |
| *Lieut.-Col. Jones, 89th Foot* . | Recommends that, in cases of imprisonment with hard labour, silence should be enforced when at work, and confinement in cells during the intervals of rest and for meals. That if placed in county gaols, soldiers should not have any communication whatever with other prisoners, that they should never be allowed to assemble together for conversation, and that once a day they should be collected in something of the form of a parade. That solitary confinement should be in cells better constructed for the purpose, and that the prisoner should have as little as possible to relieve the monotony of confinement. That the door of his cell should be opened only once in twenty-four hours; that his food should be supplied through a circular cupboard, moving on a pivot. Considers the allowing them to walk out at stated hours for exercise objectionable. |
| *Lt.-Col. Arbuthnot, 90th Foot* | All men imprisoned or confined should be dieted on bread and water only. It is perfectly impossible to carry on hard labour in barracks; but if solitary confinement be more adopted, that can always be carried on in barracks, and with much more advantage than in public prisons. |
| *Lieut.-Col. Anderson, 91st Foot* | Proposes a system of perfect silence and a regular prison allowance, the actual expense of which only to be paid by the public. |
| *Lt.-Col. M'Donald, 92d Ft.* (Gibraltar) . . . . . | Hard labour should be more severe upon the culprit than if he were doing his duty. In nine cases out of ten he leads an easier life than the good soldier. The former has his meals and rest certain and regular, and no more exercise than will make him enjoy them, while the latter is generally on guard, and out of bed every fourth night. The solitary confinement should be truly so, and beyond the reach of all conversation. |
| *Major Winchester, Dep. 92d Foot* . . . . . | Refers to his answers, in which he recommends that solitary confinement should be strictly so, and approves of military prisons. |

| OFFICER'S NAME. | ANSWER. |
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| *Lt.-Col. M'Gregor, 93d Foot* | These punishments are in general very imperfectly inflicted, and sufficient distinction is not drawn between the two kinds of punishment. In the West Indies the cells for solitary confinement are so ill-constructed as to render it difficult to prevent conversation or the access of drink, the complete exclusion of which is the bitterest ingredient in the punishment of a drunken man, and the means for solitary confinement are too limited. For this reason Courts Martial either condemn men to hard labour who ought to be placed in solitary confinement, or, what is worse, pass a sentence of solitary confinement which cannot be duly carried into effect. The hard labour in the West Indies, which is generally employment under the engineer officers, and is regulated by the wants of that department, is frequently as easy as the usual routine of a soldier's duty in that climate, and at no time so severe as it ought to be. In most of the gaols in England hard labour is very effectively applied. The tread-mill is desirable as the most unvaried and monotonous; and if that mode of punishment were not at hand, it would be better to employ the culprits in excavating and filling up, in doing and undoing their own work, rather than in anything which should show them the useful result of their labours. |
| *Lieut.-Col. Paty, 94th Foot* | If hard labour could be carried into effect in the presence of the comrades of the culprit, it would have a beneficial result; and if punishment were more summary, it would make a greater impression. Could not the powers of Regimental Courts Martial be enlarged without detriment to the service? |
| *Major Milner, Depot, 94th Ft.* | It would have the best effect if the hard labour could be performed under the eyes of their comrades; and very advantageous that the punishments should be more summary, the delay in assembling a District Court, and obtaining a confirmation of their decision, being prejudicial to the service. |
| *Lieut.-Col. Campbell, 95th Foot* | The present mode of solitary confinement answers well; but imprisonment, with what is called hard labour, is defective, particularly in the Ionian Islands, where it consists in merely breaking stones part of the day, and the rest of the time is passed quite at their ease, doing nothing. |
| *Major Wrottesley, Depot, 95th Foot* | Invariably with the regiment, or in prisons, for the exclusive reception of military culprits. |
| *Lt.-Col. Cairncross, 96th Foot* (Nova Scotia) | There should be a separate building with cells of solid stone and lime for both these punishments, to be under a provost-marshal, with the power of changing from the one to the other as circumstances required, or the disposition of the culprit should call for. |
| *Major Hill, Depot, 96th Foot* | Hard labour should be established on a regular uniform system, so as to allow of no uncertainty of its rules being strictly enforced. Solitary confinement ought to be deprived of its present indulgences. No beds should be permitted, and in the case of illness, the culprit should be obliged to make up the deficiency incurred during the time passed in hospital. |
| *Colonel Hamilton, 97th Foot* (Ceylon) | Refers to his subsequent answers. |
| *Capt. Smith, Depot, 97th Foot* | Recommends that the allowance of 6*d.* a day for the subsistence of prisoners should be reduced to 3*d.* a-day exclusive of washing, or to such allowance as would afford the culprit one pound and a half of bread with water each day. |
| *Lt.-Col. M'Caskill, 98th Foot* (Cape of Good Hope) | The construction of the cells should be such as not to admit too much light, nor allow the conversation of prisoners with one another; and if the labour could be made profitable, their comrades who do their duty should have the benefit of it. |
| *Maj. Le Marchant, Dep. 98th Foot* | For garrison imprisonment, with hard labour, he suggests heavier task-work, to be carried on in perfect silence, and on a low diet. At night, instead of being locked up together, they should be placed in separate cells, without a bed. For solitary confinement, the cells should be so constructed, as to prevent the possibility of communication, and admit but little light. |
| *Lt.-Col. Johnston, 99th Foot* (Mauritius) | There should be in every barrack a certain number of cells for solitary confinement, and a separate prison for men sentenced to hard labour, so that they might be locked up when not at work. There should also be a shed for men to work under, so that in all weathers they might be kept uninterruptedly at work. |
| *Major Macpherson, Depot, 99th Foot* | The cells for solitary confinement should be further removed from the occupied quarters in barracks, and they should be so constructed as to prevent communication. |
| *Major Hope, 1st Batt. Rifle Brigade* (Nova Scotia) | Recommends military prisons with proper cells for solitary confinement, and a tread-mill for hard labour. |
| *Lieut.-Col. Eeles, Depot, 1st Battalion, Rifle Brigade* | Observes that in very few barracks are there proper conveniencies for carrying these punishments into effect. |
| *Colonel Brown, 2d Batt. Rifle Brig.* (Mediterranean) | Suggests that cells should be constructed at each of the large barracks for carrying sentences of solitary confinement into effect at head-quarters; and if it be necessary to have recourse to public prisons for the purpose of enforcing hard labour, it would be highly desirable that the soldiers should be lodged and set to work by themselves, and apart from the other prisoners. |
| *Captain Gosset, Depot, 2d Battalion Rifle Brigade* | The cells for the confinement of prisoners are not, in general, sufficiently insulated, for the culprit can hear his comrades speak, and hold conversation with them. Some cells even command a good view; for instance, from those at Dover Castle, ships can be seen going up and down channel. |
| *Lt.-Col. Doherty, 1st W. Ind. Regiment* (West Indies) | The hard labour should be on the American Penitentiary system. The solitary confinement should be rigorous seclusion, and in better constructed cells. |
| *Lt.-Col. Nicolls, 2d W. India Regiment* (West Indies) | If solitary confinement is to be persisted in, he suggests that the culprit should never be permitted to see the light of day for the term of his sentence. |
| *Major Fletcher, Ceylon Reg.* (Ceylon) | Both punishments should be carried into effect in military custody. |
| *Major Burney, Cape Riflemen* (Cape of Good Hope) | The example is more beneficial when the punishments are carried on at the head-quarters of the regiment. |
| *Major de Piro, Malta Fenc.* (Malta) | The man in solitary confinement to have only sufficient bread and water, with his boards and blanket; the man in imprisonment to have his bed, and merely sufficient of his usual food. |
| *Maj. Du Pourdieu, Pro. Batt.* | Solitary confinement should be carried on at the different barracks in properly constructed cells, as much isolated as possible. By the punishment being carried into effect at the barracks, the culprit would constantly be kept in mind by his comrades. |

| OFFICER'S NAME. | ANSWER. |
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| *Lt.-Col. Brunton*, 13*th Light Dragoons* (Madras) . . | Does not think the plan of solitary confinement in India could be improved upon. |
| *Lieut.-Col. Dennis*, 3*d Foot* (Bengal) . . . . . | The solitary confinement in India should be carried into effect at the head-quarters of regiments, and not in distant forts where the confinement is not strict; and, besides, before the prisoner reaches the fortress a considerable time elapses, and his confinement becomes the shorter. |
| *Lieut.-Col. Custance*, 9*th Foot* (Mauritius) . . . . . | The imprisonment should never be in the guard-room, which is now very often the case for want of proper means to carry it into effect. Stone-breaking, in a barrack-yard, is scarcely to be called hard labour, unless hammers of a heavy weight are used, and that the men are obliged to break a great quantity of stone before they receive their bread and water. The culprits should be kept separate both at labour and in confinement. Men in solitary confinement should never be allowed to take their meals together, nor their exercise; and bread and water only should be given them. |
| *Lieut.-Col. Green*, 20*th Foot* (Bombay) . . . . . | Is of opinion that solitary confinement should be strictly so, which in India is but little regarded, and that the cells should be so constructed as to prevent any conversation between their inmates. Recommends the adoption of the tread-mill for hard labour, and that the punishment should be rendered as severe, as disgraceful, and as public as possible. Considers that the order which directs that the period of sentence must be calculated as the actual date of the sentence, and which allows any period in hospital to count as part of the sentence, does not act with advantage. |
| *Lieut.-Col. Piper*, 38*th Foot* (Bengal) . . . . . | None. To most stations in India an excellent prison is attached with separate cells, where the confinement can be made strictly solitary. |
| *Major Poole*, 39*th Foot* (Madras) . . . . . | Imprisonment with hard labour if properly carried into effect would be productive of beneficial results in repressing the soldier whose habits are not altogether irreclaimable; but in order to give this full effect suitable prisons should be established. |
| *Lieut.-Col. Boys*, 45*th Foot* (Madras) . . . . . | The system pursued in this presidency is well adapted to the nature of the climate, and he can suggest no alteration for its improvement. |
| *Lieut.-Col. Fane*, 54*th Foot* (Madras) . . . . . | He thinks the present system the best that can be adopted. |
| *Major Hunt*, 57*th Foot* (Madras) . . . . . | None. |
| *Major Cramer*, 62*d Foot* (Madras) . . . . . | There exists a great want of uniformity of system in the plans of places for solitary confinement, as well as in the mode of treatment adopted towards the prisoners. Some cells afford opportunities of holding conversation. The provisions should be supplied by a turning-wheel, and no person permitted to speak to the prisoner but the medical officer. |
| *Major Pritchard*, 71*st Foot* . | It is desirable that imprisonment of soldiers in public gaols should be abolished. In some gaols they have been allowed to act as cooks and fatigue-men, and have received a considerable sum of money, thereby furnishing them with the means of getting into mischief the instant they are set at liberty. The manner in which they are sent back to their regiments by route, without escort or even a non-commissioned officer, is objectionable, as they seldom return without having obtained money from magistrates or others upon false pretences, thereby adding to their debt with their captain, and affording them opportunities to commit excesses without restraint. |

# SUBSTANCE

OF THE

# OPINIONS GIVEN BY THE GENERAL AND REGIMENTAL OFFICERS

(*Continued*).

Would a mixed punishment consisting partly of imprisonment with hard labour and partly of solitary confinement, in your opinion be preferable?

| OFFICER'S NAME. | ANSWER. |
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| *Maj.-Gen. Sir C. D'Albiac* | Mixed sentence would be good, if the labour were really hard and in silence, and the confinement strictly solitary. |
| *Maj.-Gen. Sir T. M'Mahon* | A mixed punishment, as suiting the varieties of temper, habit, and disposition, would be usefully applied. |
| *Maj.-Gen. Sir W. Cotton* | After hard labour, the men should be placed in solitary confinement. This would obviate the objection to county gaols. |
| *Maj.-Gen. Sir H. Bouverie* | In favour of the system, which has been adopted in his district, the solitary confinement the last; but he cannot say it has produced any visible effect. |
| *Colonel Sir L. Greenwell* | Does not approve of a mixed sentence. |
| *Maj.-Gen. Hon. P. Stuart* | In some cases it may. |
| *Major-General Ross* | In some cases desirable. Fourteen days' solitary confinement alternated with fourteen days' hard labour, for almost any extent. |
| *Lt.-Gen. Sir H. Vivian* | Might answer. But there are incorrigible characters in every regiment, upon whom no punishment will have much effect. |
| *Maj.-Gen. Sir E. Blakeney* | Yes. |
| *Major-Gen. Sir J. Douglas* | Certainly, if properly inflicted. |
| *Maj.-Gen. Macdonell* | A mixed punishment would answer well in aggravated cases; the greater portion of the solitary confinement to be inflicted before going to hard labour, and the remaining part after it. |
| *Maj.-Gen. Sir T. Arbuthnot* | Yes; after hard labour the men should be locked up in separate cells. |
| *Lieut.-Gen. Sir W. Houstoun* (Gibraltar) | Yes; except in light cases, when a very short period of solitary confinement would be sufficient. |
| *Maj.-Gen. Sir F. Ponsonby* (Malta) | Yes; hard labour by day, and solitary confinement after the labour is finished, for a period not exceeding a month. |
| *Major-Gen. Sir S. Chapman* (Bermuda) | Occasionally. |
| *Major-Gen. Sir Lionel Smith* (West Indies) | Solitary confinement with occasional drill might be useful, but with hard labour the effects of the previous solitary confinement might be destroyed. |
| *Major-Gen. Sir Carm. Smyth* (Demerara) | Hard labour with solitary confinement at night. |
| *Maj.-Gen. Sir Colin Campbell* (Nova Scotia) | The imprisonment attending hard labour should be severe, and when not "solitary" should be in perfect silence. A mixed punishment of this description would be useful. It is practised in some of the best American state prisons. |
| *Maj.-Gen. Sir W. Nicolay* (Mauritius) | No benefit would be derived from a mixed punishment. |
| *Major-General Middlemore* (Grenada) | In all cases a man in solitary confinement should be obliged to take his turn of duty, so that it should not fall upon another, and return to his cell after his duty has been performed. |
| *Col. Arthur* (Van Diemen's Land) | Solitary confinement with hard labour is viewed with great dread, and when strictly carried into effect, it does all to make a beneficial impression upon the culprit and his comrades that can be hoped to result from any mere punishment. The best kind of hard labour is the tread-wheel, and the moment the offender is taken off his labour, he should be placed in a solitary cell both day and night. |
| *Col. Lygon, 1st Life Guards* | Would be salutary, the latter portion being solitary punishment. |
| *Col. Lygon, 2d Life Guards.* | Such a mixed punishment not important. |
| *Col. Hill, Royal Horse Gds.* | Yes, if both within barracks. |
| *Col. Sir G. Teesdale, 1st Dragoon Guards* | It would, probably, if carried into effect in a military prison. |
| *Maj. Kearney, 2d Drag. Gds.* | In some cases, according to the character of the prisoner, it would be advantageous. |
| *Lt.-Col. Story, 3d Dn. Gds.* | When the imprisonment is for a long period, about one-third of it might be solitary confinement. |
| *Lt.-Col. Chatterton, 4th Dragoon Guards* | It would. Hard labour and solitary confinement would be an improvement. |
| *Maj. Scarlett, 5th Dn. Gds.* | In some cases; but where, as in cavalry, hard labour can be resorted to in barrack gaols, there is less necessity of solitary confinement. |
| *Lt.-Col. Wildman, 6th Dragoon Guards* | One uniform system of solitary imprisonment combined with hard labour should be adopted. The man should be brought from solitary confinement to hard labour. |
| *Lt.-Col. Clark, 7th Dn. Gds.* | No; the monotony of one uniform mode of punishment would prove more annoying than a lengthened one with frequent change. |
| *Lt.-Col. Somerset, 1st Dns.* | Where the imprisonment with hard labour is for a long period, the last portion of it, not less than fourteen days, should be solitary confinement. |
| *Maj. Wyndham, 2d Dns.* | Not mixed. |
| *Lt.-Col. Stisted, 3d Lt. Dns.* | If practicable, the prisons in barracks should be built on a larger scale. The hard labour should be in the barrack-yard, and the man locked up in a cell immediately afterwards. |
| *Lt.-Col. Fendall, 4th Lt. Dns.* (Bombay) | No. Sentences of Courts-Martial should be distinct; and solitary confinement always tried before hard labour is resorted to. |
| *Lt.-Col. Madox, 6th Dns.* | Where there is a necessity for a long punishment it should be mixed, as the soldier's health would be less affected. |
| *Lt.-Col. Hill, 7th Lt. Dns.* | Objects to the mixed punishment on the ground that the hard labour portion must now be passed in the company of felons. Prefers solitary confinement only. |
| *Lieut.-Col. Molyneux, 8th Lt. Dragoons* | Would be desirable. In all cases of mutiny the punishment should begin with solitary confinement, and end with a long infliction of hard labour in a prison purely military. |
| *Lt.-Col. Campbell, 9th Light Dragoons* | Would be preferable; but in all cases the man should be kept apart as much as possible. |
| *Lt.-Col. Lord T. Cecil, 10th Light Dragoons.* | Would not be advantageous. |
| *Lt.-Col. Brutton, 11th Light Dragoons* (Bengal) | A mixed punishment of drills and parades and solitary confinement would be advantageous. |
| *Lt.-Col. Stawell, 12th Lt. Dns.* | Much preferable, except in the cases of juvenile offenders. |
| *Lt.-Col. Townsend, 14th Lt. Dns.* | Would be more conducive to health, but not so irksome as unmixed punishment. |

| OFFICER'S NAME. | ANSWER. |
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| *Lt.-Col. Badcock, 15th Light Dns.* | Occasionally. |
| *Lt.-Col. Lord Bingham, 17th Light Dragoons* | Not mixed. |
| *Colonel Sir John Woodford, Grenadier Guards* | It would be desirable that the prisoner should be by himself when not at hard labour, and that the hard labour should be exacted on alternate days, but doubts the propriety of giving a sentence of solitary confinement to be followed by hard labour, or the reverse, as the bodily state of the prisoner would be unfitted by the one for the other. |
| *Col. Fremantle, Coldst. Gds.* | Having seldom observed any beneficial results from either, does not think any good is to be expected from administering a portion of both. |
| *Col. Keate, Scots Fus. Guards* | It might succeed; it is worth the trial. |
| *Lt.-Col. Carter, 1st Batt. 1st Foot* (West Indies) | Would not be advisable, solitary confinement, as at present conducted, being of little avail. |
| *Lt.-Col. Wetherall, 2d Batt. 1st Foot* | Yes; hard labour in silence by day, and confinement in separate cells at night. |
| *Maj. Deuchar, Depot, 1st Ft.* | Would be preferable for any act of confirmed vice, as theft, habitual drunkenness, when one-third of the punishment might be solitary confinement. |
| *Captain Jackson, 2d Foot* (Bombay) | Cannot answer the question, hard labour not having been practised in India. |
| *Lieut.-Col. Breton, 4th Foot* (New South Wales) | Would have it always understood that when a prisoner was not at hard labour he should be in a separate cell. |
| *Lt.-Col. Sutherland, 5th Foot* (Mediterranean) | Advantages would be derived from such a system. Regimental Courts-Martial should have the power to award full term of imprisonment, of which twenty days to be solitary. |
| *Maj. Lord C. Wellesley, Depot, 5th Foot* | It might perhaps be attended with beneficial effects. |
| *Lt.-Col. Farquharson, Depot, 7th Foot* (Mediterranean) | Solitary confinement would be preferable. |
| *Maj. Lord W. Thynne, Depot, 7th Foot* | A soldier at hard labour might be confined, when not at work, in a solitary cell; but in a mixed punishment the good effects of solitary confinement, which must chiefly result from a man being left to himself, might be lessened. |
| *Lt.-Col. Cathcart, 8th Foot,* (Jamaica) | Does not see how it is possible to combine hard labour with solitary confinement without its becoming rather a relaxation than an increase of severity. |
| *Capt. Machen, Depot, 8th Ft.* | It would not generally. |
| *Major Champain, Depot, 9th Foot* | It would be attended with the best effects, and render each punishment more severe. |
| *Lieut.-Col. Freer, 10th Foot* (Mediterranean) | If for any length of time, mixed punishment preferable. |
| *Major Allen, Depot, 10th Ft.* | If for any length of time, punishment should be varied, making solitary confinement the last portion of it. |
| *Major Derinzy, 11th Foot* (Mediterranean) | Would not be advisable; one would counteract the other. The monotony and loneliness of solitary confinement would be lost by the variation of the punishment. |
| *Lt.-Col. Bisshopp, Depot, 11th Foot* | No. |
| *Lt.-Col. Turbervill, 12th Ft.* | With some characters it might answer; but from experience he would pronounce solitary confinement to have the best effect. |
| *Lieut.-Col. Sale, 13th Foot* (Bengal) | Would be better for the more serious crimes. |
| *Lieut.-Col. Everard, 14th Ft.* | Does not recommend mixed punishment, except that the culprits sentenced to hard labour should be separately confined when not at work. |
| *Lieut.-Col. Horton, 15th Ft.* (Canada) | Would not be beneficial, as solitary confinement, to be of real service, ought to be rigidly adhered to. |
| *Maj. Drought, Depot, 15th Ft.* | It would not, except for old soldiers; but solitary imprisonment is much more disliked. |
| *Lt.-Col. Campbell, 16th Ft.* (Bengal) | Mixed punishment not applicable in India; the regimental cells would not admit any other than solitary confinement. |
| *Lt.-Col. Despard, 17th Foot* (New South Wales) | Would be advisable for drunkenness with insubordination and making away with necessaries, but the solitary part should be first. |
| *Colonel Burrell, 18th Foot* | Might prove beneficial where a single punishment, as solitary confinement, had not produced advantages on a former occasion. |
| *Lieut.-Col. Hardy, 19th Foot* (West Indies) | Deep and gloomy solitude the best adapted to bring men to reflection and to eradicate vice; but a mixed punishment might be used if the cells were really solitary. |
| *Maj. Raper, Depot, 19th Ft.* | Not advisable; as the soldier might misconstrue the motives of the change, and might attribute a protracted and mixed punishment to vindictive feeling. |
| *Lieut.-Col. Leahy, 21st Foot* (New South Wales) | They might be combined advantageously if the hard labour and solitary confinement could be inflicted in the barracks. |
| *Captain Keappock, 22d Foot* (Jamaica) | Thinks it would be preferable. |
| *Maj. Pennefather, Depot, 22d Foot* | Does not anticipate much benefit from it except on the score of health. |
| *Lt.-Col. Harrison, 23d Foot* (Gibraltar) | It would be advantageous in extreme cases calling for the maximum of either of these punishments. |
| *Major Ross, Depot, 23d Foot* | Decidedly. |
| *Colonel Tidy, 24th Foot* (Canada) | It would not be advantageous, the different punishments being adapted to men of different character. |
| *Major Kelly, Depot, 24th Foot* | Where the maximum punishment is awarded, intervals of solitary confinement might have a good effect. |
| *Major Young, 25th Foot* (Demerara) | "I think not." |
| *Maj. Priestley, Depot, 25th Foot* | Does not think that a mixed punishment would be preferable. |

| OFFICER'S NAME. | ANSWER. |
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| *Lt.-Col. Oglander*, 26*th Foot* (Bengal) | If a culprit sentenced to hard labour is to remain in the service, it would be useful to give a discretionary power to substitute solitary confinement, but on the prisoner's own seeking with a view to his receiving moral instruction. |
| *Lieut.-Col. Hare*, 27*th Foot* | Would in most cases be preferable, as the soldier's confinement would then be lengthened without endangering his health. |
| *Major French*, 28*th Foot* | It has worked well. He has seen it tried with good effect in the northern district. |
| *Lt.-Col. Simpson*, 29*th Foot* (Mauritius) | Does not see any advantage likely to arise from a mixed punishment. If one sort does not reclaim the man, try the other. |
| *Maj. Walter, Depot*, 29*th Foot* | "I think not." |
| *Lt.-Col. Robinson*, 30*th Foot* (Bermuda) | When attainable, it might be made superior to either separately; but though in barracks suitable places of solitary confinement might be built, there are seldom the means of carrying hard labour into effect there. In the East Indies it would not be desirable, and perhaps the same may be said of the West Indies. |
| *Maj. Ormond, Depot*, 30*th Ft.* | It would. |
| *Major Bolton*, 31*st Foot* (Bengal) | Can form no opinion, as he has only seen common imprisonment. |
| *Major Wingfield*, 32*d Foot* (Canada) | The only advantages that could arise from mixed punishment would be the restoring the health of the prisoner who might have suffered from one or the other, or applying solitary confinement as a means of enforcing the performance of hard labour. |
| *Major Palk, Depot*, 32*d Foot* | It would be advantageous if simple imprisonment were awarded for minor crimes, so as to make the mixed punishment the last, if it were made as severe as before proposed. |
| *Lieut.-Col. Knight*, 33*d Foot* | When the crime is of a serious nature, deserving a severe punishment, this might be useful; solitary confinement being the last applied. |
| *Lieut.-Colonel Fane*, 34*th Ft.* (New Brunswick) | This would be very good in cases where the crime required a longer period of punishment than could safely be awarded of solitary confinement. |
| *Capt. Brisbane, Depot*, 34*th Foot* | Generally speaking, most unquestionably. |
| *Lieut.-Col. Goldie*, 35*th Foot* | A mixed punishment would be preferable. |
| *Major Cairnes*, 36*th Foot* (West Indies) | Solitary confinement during the time the prisoners are at work would be an improvement on imprisonment with hard labour. |
| *Capt. Hare, Depot*, 36*th Foot* | It would, if the hard labour were solitary. |
| *Major Manners*, 37*th Foot* (Jamaica) | Benefit might be derived from such a measure, if the apportionment were left to the commanding officer. |
| *Major Kell, Depot*, 37*th Foot* | The punishment should be unmixed. |
| *Maj. Jebb*, 40*th Foot* (Bombay) | It might be advantageous if both could be carried on under the direction of the commanding officer. |
| *Col. Sir E. K. Williams*, 41*st Foot* (Madras) | It might be useful if carried on in barracks. |
| *Lieut.-Col. Sir C. Gordon*, 42*d Foot* (Mediterranean) | Mixing the punishment would render each less efficacious, and would not in any way be preferable. |
| *Maj. Johnstone, Depot*, 42*d Ft.* | When hard labour is awarded, the last month should always be solitary. There is no change which is likely to be more severely felt by the prisoner. |
| *Lieut.-Col. Booth*, 43*d Foot* | Yes, if each be properly carried into effect. |
| *Colonel Elrington*, 47*th Foot* (Gibraltar) | Yes, for a first desertion. |
| *Major Sadleir, Depot*, 47*th Ft.* | Yes; if the two descriptions of punishments were mixed or alternated, the total period of absence from duty might be abridged. |
| *Lt.-Col. Bell*, 48*th Foot* | Yes. |
| *Lt.-Col. Bartley*, 49*th Foot* (Bengal) | Does not think it would be of any advantage. |
| *Lt.-Col. Wodehouse*, 50*th Ft.* (New South Wales) | Certainly not. |
| *Major Ryan, Detach.* 50*th Ft.* | It would lead to beneficial results, the first period being hard labour, and the last solitary confinement. |
| *Major St. John*, 52*d Foot* | It might possibly be useful if silence were enforced, but not otherwise; as the variation of the mixture would destroy the monotony of either. |
| *Capt. Considine*, 52*d Foot* | Is perhaps preferable, but only on account of the injury to health attributable to solitary confinement. Simple confinement to barracks is much disliked, and is very irksome to the men. |
| *Lt.-Col. Considine*, 53*d Foot* (Mediterranean) | The power that a Court-Martial now has of awarding part of the imprisonment to be solitary should be continued. But a mixture of hard labour with solitary confinement would not be beneficial. |
| *Major Butler, Depot*, 53*d Foot* | When a long term of imprisonment is awarded a mixed punishment would be best, terminating however with solitary confinement. |
| *Lt.-Col. Craigie*, 55*th Foot* (Madras) | A combination of the two punishments would be preferable to either, separately. |
| *Lt.-Col. Prichard*, 56*th Foot* (Jamaica) | No advantage would be derived from a mixed punishment. |
| *Major Eden, Depot*, 56*th Foot* | In military prisons, where bad characters might be confined in solitary cells when not brought out to hard labour. |
| *Colonel Clifford*, 58*th Foot* (Ceylon) | For minor offences it might be advantageous, but not if the crime were of a serious nature. |
| *Maj. Ricketts, Depot*, 58*th Foot* | It would. |
| *Lieut.-Col. Fuller*, 59*th Foot* (Gibraltar) | In cases of hardened offenders, after repeated trials by Court-Martial. |
| *Maj. Gordon, Depot*, 59*th Foot* | No, unless the imprisonment with hard labour could be carried into effect without the prisoners mixing with bad characters. |
| *Lieut.-Col. Bunbury*, 1*st Batt.* 60*th Foot* (Mediterranean) | If the culprit who is sentenced to solitary confinement could be placed on the tread-mill during the hours allotted for exercise it might be beneficial, otherwise not. |
| *Major Trevelyan, Depot*, 1*st Batt.* 60*th Foot* | Not preferable, but perhaps advisable when a soldier's health would not admit of solitary confinement. |

| OFFICER'S NAME. | ANSWER. |
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| *Lieut.-Col. Ellis, 2d Batt. 60th Foot* | When a culprit is condemned to hard labour, the prisoner should commence with one week's solitary confinement, as it would afford him an opportunity of reflecting upon his conduct. |
| *Col. Darley, 61st Ft.* (Ceylon) | It might have beneficial consequences with some offenders. |
| *Maj. Forbes, Depot, 61st Foot* | Would not be preferable. The human mind desires change, and the punishment to be effectual should be one of unvaried dullness, of unalloyed sameness. |
| *Lt.-Col. Fairtlough, 63d Foot* (Madras) | No. |
| *Lt.-Col. Kirkwood, 54th Foot* (Jamaica) | Does not think it would be desirable. |
| *Maj. Freeth, Depot, 64th Foot* | Not advisable, as any change of punishment would be a relief to the body and mind. |
| *Major Farquharson, 65th Foot* (West Indies) | Would not be desirable. The good which either punishment might work separately would be done away by the change. |
| *Maj. Walker, Depot, 65th Ft.* | No benefit would be derived from this. One punishment would counteract the other. |
| *Col. Nicoll, 66th Ft.* (Canada) | It is the uninterrupted tediousness of solitary confinement which constitutes its severity and efficiency. |
| *Maj. Daniell, Depot, 66th Ft.* | Has had no opportunity of observing the effect of mixed punishment. |
| *Maj. Brooke, 67th Ft.* (West Indies) | No, the change of punishment would destroy the efficacy of the wearisomeness of one punishment. |
| *Maj. Johnston, Dep. 67th Ft.* | Where each punishment is properly carried into effect it might be beneficial, but the alternation should be left to the discretion of the commanding officer. |
| *Lieut.-Col. Cross, 68th Foot* (Gibraltar) | A mixed punishment is preferable when heavy sentences are awarded, as it enables the culprit to undergo his punishment with less injury to his health. |
| *Maj. Lord W. Paulet, Depot, 68th Foot* | Certainly not; for the variety of the punishment would lessen the severity of either. |
| *Major Brookes, 69th Foot* (West Indies) | It could not be beneficially applied in the West Indies, the transition from one punishment to another might be injurious to health. |
| *Maj. Monins, Depot, 69th Foot* | "I think not." |
| *Colonel Evans, 70th Foot* (Gibraltar) | Is no advocate for the hard labour system at all. |
| *Maj. Kelsall, Depot, 70th Foot* | It would have a much better effect than either, taken separately, as tending to correct the bad habits of such as required correction, and being more conducive to health. |
| *Lt.-Col. Peddie, 72d Foot* (Cape of Good Hope) | Decidedly, and at such times, not exceeding the sentence, as the commanding officer may think most advisable. |
| *Maj. Hall, Depot, 72d Foot* | A short solitary confinement at the termination of imprisonment with hard labour might be beneficial. |
| *Major Lloyd, 73d Foot* (Mediterranean) | Yes, in case of a very long confinement ordered by a general Court Martial. |
| *Maj. Hamilton, Depot, 73d Ft.* | Decidedly not. |
| *Lieut.-Col. Mein, 74th Foot* (West Indies) | Approves of mixed punishment if it implies that a culprit is to be led from his cell to hard labour, returning there when his task is performed. |
| *Maj. Crabbe, Depot, 74th Foot* | No. |
| *Lt.-Col. England, 75th Foot* (Cape of Good Hope) | It would be highly beneficial; indeed all imprisonment of soldiers should be solitary as far as it can possibly be managed. |
| *Maj. Quill, Depot, 75th Foot* | Yes. |
| *Maj. Clark, 76th Foot* (West Indies) | It might be attended with advantage when it is for an extended period. |
| *Maj. Hutchinson, Depot, 76th Foot* | Most decidedly, hard labour being followed by a week's solitary confinement to give the culprit the best opportunity for private reflection. |
| *Lt.-Col. Bradshaw, 77th Foot* | When a prisoner is sentenced to long solitary confinement, it might be advisable that the latter part of the punishment should consist of imprisonment with hard labour. |
| *Maj. Douglas, 78th Foot* (Ceylon) | "I think not." |
| *Maj. Adams, Depot, 78th Foot* | Does not see any advantages that would result from it. |
| *Lt.-Col. M'Dougall, 79th Foot* (Canada) | For military offences, not of an immoral character, and for first offences, the confinement should be exclusively solitary. For crimes of an immoral or disgraceful nature, the culprit should be sentenced to confinement with hard labour. In such cases as might be considered expedient, a portion of solitary confinement might be awarded to give time for reflection; and when the solitary confinement awarded was very long, and the offence not immoral, a portion of hard labour might be introduced. |
| *Maj. Ferguson, Depot, 79th Ft.* | Would prefer, altogether, imprisonment with hard labour. |
| *Lt.-Col. Pitt, 80th Foot* | In many cases the punishment should be mixed, but it should not be imperative upon a Court to award it as a sentence. When carried into effect, the hard labour should predominate and precede the solitary confinement. |
| *Lt.-Col. Maclean, 81st Foot* | The change from one to the other would afford relief to the prisoner. They should not be mixed. |
| *Lt.-Col. Hogarth, 82d Foot* | It might be preferable, in some cases, if the solitary confinement followed the hard labour. |
| *Lt.-Col. Dundas, 83d Foot* (Nova Scotia) | Does not anticipate any great advantages from such a mode, but it might be worthy of trial, provided the solitary confinement were strictly enforced. |
| *Maj. Trydell, Depot, 83d Foot* | A variety would be a relief to the culprit. The mixed punishment would not have a good effect. |
| *Maj. Nicholl, Depot, 84th Ft.* | A distinct and appropriate punishment to each crime would have more effect. |
| *Col. Warburton, 85th Foot* | Would think it preferable to solitary confinement. |
| *Major Stuart, 86th Foot* (West Indies) | Does not see any benefit that would arise from it. |
| *Capt. Creagh, Depot, 86th Ft.* | Does not think it would. |
| *Lt.-Col. Streatfeild, 87th Foot* (Mauritius) | Only in the case of men at hard labour, who should always be in solitary confinement when not at work. |
| *Capt. Doyle, Depot, 87th Foot* | Recommends for all first convictions solitary confinement; for subsequent cases a mixed punishment might be attended with beneficial results, but the application of it should be left to the person superintending the execution of the punishment. |

| OFFICER'S NAME. | ANSWER. |
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| *Colonel O'Malley*, 88*th Foot* (Mediterranean) | It would in some cases, particularly where the imprisonment may be thought considerable. |
| *Maj. O'Hara, Depot*, 88*th Ft.* | Both punishments combined, according to a plan he has detailed in a preceding answer, would be best. |
| *Lieut.-Col. Jones*, 89*th Foot* | It would, if the solitary confinement were subsequent to the imprisonment with hard labour, as a short period of reflection might be productive of good resolutions before the culprit returned to his duty. |
| *Lt.-Col. Arbuthnot*, 90*th Foot* | Sees no advantage in a mixed punishment. |
| *Lt.-Col. Anderson*, 91*st Foot* | It would, if the sentence were carried into effect in a military prison. |
| *Lt.-Col. M'Donald*, 92*d Foot* (Gibraltar) | Both these punishments may be introduced advantageously into the same sentence, in which case the solitary confinement should be the first applied, as more likely to have a beneficial effect; but their being mixed, or alternately applied, would defeat the object. |
| *Maj. Winchester, Depot*, 92*d Foot* | Does not think it would. |
| *Lt.-Col. M'Gregor*, 93*d Foot* | Doubts the expediency of a mixed punishment. A man after being harassed by hard labour would feel a relief in being sent, for a time, to solitary confinement; and in like manner a culprit, after undergoing for a season the horror of absolute solitariness, would experience feelings allied to happiness in being permitted to associate with his fellows, although that association were accompanied with the heaviest labour. It would be preferable that he should feel the enjoyment of contrast, by his removal at once to his military duty. |
| *Lt.-Col. Paty*, 94*th Foot* | It might be adopted with benefit to the service. |
| *Maj. Milner, Depot*, 94*th Foot* | Thinks it would have a beneficial effect; but although sanctioned by the late Articles of War, no case has occurred in which it has been acted upon. |
| *Lt.-Col. Campbell*, 95*th Foot* | Solitary confinement alone would be preferable, unless the treadmill or some other more severe method could be adopted for hard labour. The soldier does not care much for the present mode of inflicting hard labour. |
| *Maj. Wrottesley, Depot*, 95*th Ft.* | In aggravated cases, after a severe punishment of hard labour, a few days of solitary confinement to afford time for reflection might have a beneficial result. In awarding these punishments, Courts Martial should be called upon to investigate the general character and dispositions of the men. |
| *Lt.-Col. Cairncross*, 96*th Foot* (Nova Scotia) | Would prefer the mixed punishment, as he has observed several instances of culprits refusing to work, but on being shut up for two, three, or four days, they were glad to return to their work. |
| *Maj. Hill, Depot*, 96*th Foot* | It would not, as destroying the requisite monotony. |
| *Colonel Hamilton*, 97*th Foot* (Ceylon) | Refers to a subsequent answer. |
| *Capt. Smith, Depot*, 97*th Foot* | Does not think it would lead to any beneficial result. |
| *Lt.-Col. M'Caskill*, 98*th Foot* (Cape of Good Hope) | It might be made to work well, if the Court Martial were authorized to commit a discretionary power to the commanding officer to vary the application of the punishments according to his knowledge of the disposition of the culprits. |
| *Major Le Marchant, Depot*, 98*th Foot* | With young offenders it may be desirable, but not as a general principle. |
| *Lt.-Col. Johnston*, 99*th Foot* (Mauritius) | It might in some cases. A man at hard labour, if found refractory, might be placed in solitary confinement; and again, a man of a violent or stubborn disposition, by commencing with solitary confinement, on his evincing a change to a better temper of mind, might be taken to hard labour. |
| *Major Macpherson, Depot*, 99*th Foot* | Does not consider a mixed punishment preferable. |
| *Major Hope*, 1*st Batt. Rifle Brigade* (Nova Scotia) | In most cases a mixed punishment would be preferable. |
| *Lt.-Col. Eeles, Depot*, 1*st Batt. Rifle Brigade* | Does not think much benefit would arise from a Court Martial sentencing a prisoner to part solitary confinement, and part hard labour, although it might be expedient to invest a commanding officer with power of putting any man sentenced to hard labour, who might misbehave himself while under such punishment, into solitary confinement on bread and water. |
| *Col. Brown*, 2*d Batt. Rifle Brigade* (Mediterranean) | Does not see any advantage likely to be derived from such an arrangement. He would have recourse to solitary confinement on bread and water for short periods, whenever prisoners at hard labour were idle and refractory. |
| *Capt. Gosset, Depot*, 2*d Batt. Rifle Brigade* | Not as hard labour is at present inflicted in county gaols or public prisons. |
| *Lt.-Col. Doherty*, 1*st West Ind. Reg.* (West Indies) | "I think not." |
| *Lt.-Col. Nicolls*, 2*d West Ind. Reg.* (West Indies) | Partly with hard labour and partly with drill, would be preferable, stoppage of pay being invariably observed on all occasions. |
| *Major Fletcher, Ceylon Reg.* (Ceylon) | No. |
| *Maj. Burney, Cape Riflemen* (Cape of Good Hope) | Solitary confinement or imprisonment are the best. Hard labour tends to degrade the soldiers in the eyes of the public. No soldier in this garrison has ever been sent to work with other culprits. |
| *Maj. Du Bourdieu, Provis. Batt.* | Has had no experience of the combined punishment, but considers that it might tend to prevent any severe effects on the health from a lengthened continuance of either punishment. |
| *Lt.-Col. Brunton*, 13*th Light Dragoons* (Madras) | Does not think any benefit would be derived from it, except in cases in which the health might suffer from either confinement. Otherwise the change might neutralize the sentence awarded, which might have been determined by character, and by many would be considered a relief. |
| *Lt.-Col. Dennis*, 3*d Foot* (Bengal) | In England or other cooler climates it might answer, but the exhaustion proceeding from hard labour in its real sense, in India, would injure the efficiency of those exposed to it. |
| *Lt.-Col. Custance*, 9*th Foot* (Mauritius) | It would be preferable. The culprit when not at hard labour should certainly be in solitary confinement. |

| OFFICER'S NAME. | ANSWER. |
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| *Lieut.-Col. Green*, 20*th Foot* (Bombay) | Certainly not. A greater moral effect could be produced by keeping these punishments essentially distinct. |
| *Lieut.-Col. Piper*, 38*th Foot* (Bengal) | Would recommend the mixed punishment where it can be conveniently carried into execution. |
| *Major Poole*, 39*th Foot* (Madras) | He thinks it would, if carried into effect in military prisons. |
| *Lieut.-Col. Boys*, 45*th Foot* (Madras) | Nothing would be more likely to irritate the feelings of a soldier than a mixed punishment of any kind. Such a measure would be likely to provoke crime, for a man just relieved from the cells to undergo a punishment drill would not be in that placid temper to act respectfully towards the non-commissioned officer, under whom he would be placed. |
| *Lieut.-Col. Fane*, 54*th Foot* (Madras) | Hard labour not practicable in India for European soldiers. |
| *Major Hunt*, 57*th Foot* (Madras) | Certainly not; each would act in opposition to the effect of the other. |
| *Major Cramer*, 62*d Foot* (Madras) | As hard labour is not in usage in India, he can offer no opinion on this point. |
| *Major Pritchard*, 71*st Foot* | It would be desirable that they should not be allowed to communicate with any one during their imprisonment, as in some of the American prisons, where hard labour and solitary confinement are combined. "But even there the refractory are, I believe, punished by the lash." |

**Do you think that Military Prisons, for the reception of soldiers exclusively, and conducted by civilians upon one perfectly uniform system would possess advantages over the present mode of resorting to county gaols and public prisons? If so, state in what respects?**

| OFFICER'S NAME. | ANSWER. |
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| *Maj.-Gen. Sir C. D'Albiac* | Military prisons would be preferable, but open to objection if different classes of culprits from different regiments were mixed together. Cells for the infliction of strictly solitary confinement in barracks would supersede necessity of public imprisonment. |
| *Maj.-Gen. Sir T. M'Mahon* | Military prisons would be preferable, but should be under military officers. |
| *Maj.-Gen. Sir H. Bouverie* | Military prisons would be preferable. The diet in public prisons is too good. Military prisons might be made to support their own expense. The discipline in Wakefield gaol is likely to do good. |
| *Colonel Sir L. Greenwell* | Military prisons would be preferable. |
| *Maj.-Gen. Hon. P. Stuart* | Decidedly preferable, the soldier being sent to prison for military offences chiefly, and he ought not to be exposed to contamination by associating with felons. |
| *Maj.-Gen. Ross* | Military prisons preferable for military offences, but not under civilians. A Provost establishment of non-commissioned officers might be formed in each district. Disgraceful crimes might be punished in public gaols. |
| *Lt.-Gen. Sir H. Vivian* | Military prisons preferable, but they should be under military superintendence, civilians not understanding the characters of soldiers so well as military men. |
| *Maj.-Gen. Sir E. Blakeney* | Military prisons should be established, the Provost either civilian or military, all acting on one general system. Refractory prisoners to be punished by dungeons or irons, or further imprisonment, at Provost's discretion. |
| *Maj.-Gen. Sir J. Douglas* | Some efficacious system might be established for common crimes in every large barrack; for serious crimes, military prisons on the American plan of silence. |
| *Maj.-Gen. Macdonell* | A sufficient number of detached military prisons would hardly be erected, and scattered as the troops are, the expense of escort would be enormous. |
| *Maj.-Gen. Sir T. Arbuthnot* | If solitary confinement and imprisonment with hard labour, be carried into effect in cells and prisons attached to barracks, it would be unnecessary to construct prisons exclusively for soldiers. |
| *Lt.-Gen. Sir W. Houstoun* (Gibraltar) | Military prisons for the exclusive reception of soldiers very desirable to prevent mixing with other criminals. |
| *Maj.-Gen. Sir F. Ponsonby* (Malta) | He can have no doubt on the subject. A public gaol a most improper place of confinement for soldiers. |
| *Maj.-Gen. Sir S. Chapman* (Bermuda) | Where there are large bodies of troops, military gaols would be preferable. When soldiers are sent to public gaols they become demoralized from mixing with common malefactors. |
| *Maj.-Gen. Sir Lionel Smith* (West Indies) | Military prisons would be preferable, but they should be under military superintendence. The discipline of public gaols varies so much, that uniformity of punishment cannot be obtained, and the society found there will turn the profligate into a hardened and depraved character. In a military prison military discipline could be maintained, and hard labour beneficially applied. |
| *Major-General Middlemore* (Grenada) | Military crime should always meet with military punishment. Favourable to the military prisons, but under military superintendence. |
| *Maj.-Gen. Sir C. Smyth* (Demerara) | Every barrack ought to contain the means of imprisonment, and gaols and public prisons ought only to be resorted to for very serious offences, and when there is no other mode of carrying the sentence into execution. |
| *Major-Gen. Sir C. Campbell* (Nova Scotia) | Military prisons would be preferable, but they should be under military superintendence. |
| *Maj.-Gen. Sir A. Norcott,* (Jamaica) | Military prisons would be excellent, but they should be conducted by non-commissioned officers from the pension-list, and not by civilians. A soldier would not consider himself so much disgraced in such a prison, as he naturally does in a public gaol. |
| *Maj.-Gen. Sir W. Nicolay* (Mauritius) | It is not customary in this colony for soldiers to be committed to civil prisons, except for crimes to be tried by the ordinary tribunals. |
| *Col. Arthur* (Van Diemen's Land) | There should be in every garrison a military prison, with a large yard, a tread-wheel, and solitary cell to be conducted by military officers upon one perfectly uniform system. The advantages of the military prison would be—1st. The soldier would not be placed among felons. 2d. The punishment, while it might be made more severe, would be less degrading, and therefore less subversive of the soldier's future usefulness. 3d. His military habits would be preserved. He would not be relieved from his duties. 4th. His punishment would be suffered under the immediate observation of his comrades. 5th. He would not be removed from the care of the chaplain, who should be required to be as attentive to soldiers under punishment, as the surgeon to the sick in hospital. |
| *Col. Lygon, 1st Life Guards* | Military prisons would not be more advantageous; but there is some inconvenience in sending soldiers to gaols. |
| *Col. Lygon, 2d Life Guards* | Would be of the greatest advantage, to prevent contamination. |
| *Col. Hill, Royal Horse Guards* | Would be of great advantage, to prevent contamination. |
| *Col. Sir George Teesdale, 1st Dragoon Guards* | Would be of advantage. A soldier feels degraded when sent to a common gaol with malefactors, and rarely recovers his high military spirit. |
| *Maj. Kearney, 2d Dn. Gds.* | Prisons within the barracks, under the superintendence of the commanding officer, would be preferable. |
| *Lt.-Col. Story, 3d Dn. Gds.* | Preferable to public gaols. |
| *Lt.-Col. Chatterton, 4th Dn. Gds.* | Decidedly so; but they should be in barrack yards, under the superintendence of a non-commissioned officer, subject to the control of the commanding officer. |
| *Major Scarlett, 5th Dn. Gds.* | Preferable to public gaols. A soldier's pride, on which his good conduct so much depends, is lowered by being made the inmate of a public prison, when the offence which has consigned him to it is not an immoral one. |
| *Lt.-Col. Wildman, 6th Dn. Gds.* | Would be a very great improvement. |
| *Lt.-Col. Clark, 7th Dn. Gds.* | Decidedly so, but if conducted by civilians they should at all events be subjected to military medical superintendence, and the Governor should have the power of placing riotous or refractory prisoners in solitary confinement, and on bread and water, |
| *Lt.-Col. Somerset, 1st Dns.* | The only advantage of military prisons would be uniformity of system in all: the objection would be the loss of time and absence of the escort necessary to conduct the man to the prison, which might be at a distance, whereas he is now generally sent to the nearest gaol. |

| OFFICER'S NAME. | ANSWER. |
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| *Maj. Wyndham, 2d Dns.* | If well managed, on one perfectly uniform system, they might have a better effect upon culprits than by mixing them up with worse characters in a public gaol. |
| *Lt.-Col. Stisted, 3d Lt. Dns.* | Certainly, the most beneficial plan for the service. The soldiers are frequently favoured in county gaols. In military prisons the discipline would be stricter, and the culprits would not be compelled to associate with felons, and the worst description of characters. |
| *Lt.-Col. Fendall, 4th Lt. Dns.* (Bombay) | They would, but better if conducted by military men. Promiscuous intercourse with felons would be avoided. The punishments might be drills and hard labour and solitary confinement, the two first combined, the latter strictly solitary. |
| *Lt.-Col. Madox, 6th Dns.* | They would be a decided improvement to the present mode, as the soldier, who is usually committed for a military, not an immoral, offence, is in the county gaols associated with felons of the worst character. |
| *Lt.-Col. Hill, 7th Lt. Dns.* | Such a system would be attended with the worst consequences to the service, as military culprits of every class would be congregated there, and would more occupy themselves in discussing the merits and demerits of their respective superior officers than in improving themselves. |
| *Lt.-Col. Molyneux, 8th Light Dragoons* | Would be infinitely preferable to the present system, as ensuring uniformity of discipline, preventing contact with felons, and bringing punishment immediately under the eyes of the soldiers. |
| *Lt.-Col. Campbell, 9th Light Dragoons* | Would be preferable if conducted by persons having competent knowledge of the habits of the soldiers, and vested with the summary authority of a provost marshal. |
| *Lt.-Col. Lord T. Cecil, 10th Light Dragoons* | Would be preferable, but should be conducted by military persons. |
| *Lt.-Col. Brutton, 11th Light Dragoons* (Bengal) | A prison might be erected in European cantonments for solitary confinement. Very objectionable in India, where European delinquencies should be hidden from the natives, to send men to civil gaols, and difficult to find other than military men qualified to conduct them. |
| *Lt.-Col. Stawell, 12th Light Dragoons* | Very desirable, for the soldier becomes hardened from contact with depraved characters in a gaol. |
| *Lt.-Col. Townsend, 14th Lt. Dragoons* | District military prisons in England and Ireland, to be conducted by steady men who have been in the Army, would possess great advantages over the system of gaols. |
| *Lt.-Col. Badcock, 15th Light Dragoons* | Would be much better than sending soldiers to civil gaols for military crimes. |
| *Lt.-Col. Lord Bingham, 17th Light Dragoons* | Solitary confinement should be always inflicted at head-quarters of the regiment. Civil prisons, if conducted on the system of Wakefield gaol, with perfect silence, would render military prisons unnecessary. |
| *Col. Sir J. Woodford, Grenadier Guards* | Prisons for the reception of soldiers exclusively would not answer so well as public gaols. There would be no sense of personal disgrace. The soldier would not feel it a degradation to be imprisoned among his fellows; they would be all equals, and the disadvantages of this system would be, that they would come into occasional contact with all the great culprits in the Army, their resentments would be of a mutinous character, abuse and execration of their superiors would be a natural consequence, bad precepts would be imbibed from more hardened comrades whom the soldier would not shrink from with that disgust that he would from felons in a public gaol. In a public prison, to which a soldier is frequently condemned for a breach of military rule divested of moral turpitude, he feels himself degraded from his caste, and the association with men tainted with crimes is more likely to awaken shame, the first step towards reformation, and he looks forward to his return to his regiment as towards a home, with reflections of an amicable tendency towards the service and his officers. |
| *Col. Fremantle, Colds. Gds.* | A soldier must be contaminated by associating with felons in a public gaol. Military prisons would be preferable, but they should be conducted by military men. Suggests St. John's Wood barracks. |
| *Col. Keate, Scots Fus. Guards* | Would possess great advantages over present system. Contamination must result from associating with the inmates of a gaol, to which a soldier is frequently sent for a merely military offence. |
| *Lt.-Col. Carter, 1st Batt. 1st Foot* (West Indies) | Would possess great advantages over civil prisons, where the punishment awarded is not always enforced, and where the soldier is contaminated by his associates; but they should be under military men. |
| *Lt.-Col. Wetherall, 2d Batt. 1st Foot* | Certainly; soldiers acquire their worst vices from those with whom they associate in public gaols, and military culprits should therefore be kept exclusively with those of their own profession. The military prisons should be at or near military stations, so that the punishment may be an example to others; but the prisons should be under military superintendence. |
| *Maj. Deuchar, Depot, 1st Foot* | Certainly, as there would be uniformity of discipline, and soldiers would be secured from the contamination of a gaol. |
| *Captain Jackson, 2d Foot* (Bombay) | Most certainly. The young soldier from his associates in gaol would acquire every vice, while the old, confined perhaps for drunkenness, loses the pride and satisfaction he cherished for the service. |
| *Lieut.-Col. Breton, 4th Foot* (New South Wales) | Decidedly so. Not one soldier in fifty returns in the slightest degree improved from public prison. |
| *Lt.-Col. Sutherland, 5th Foot* (Mediterranean) | Military prisons for the exclusive reception of soldiers, upon a well-digested uniform system, would possess great advantages over present mode; but they should be under military superintendence, and, if possible, attached to barracks of corps. |
| *Maj. Lord C. Wellesley, Depot, 5th Foot* | Would be attended with beneficial effects, as the soldiers would be removed from the bad example of felons and other inmates of public gaols. |
| *Lt.-Col. Farquharson, 7th Foot* (Mediterranean) | Such prisons would possess every advantage; for, being kept among delinquents of their own class, there would be less chance of their becoming worse. |
| *Maj. Lord W. Thynne, Depot, 7th Foot* | Military prisons would be decidedly preferable, as the present mode of sending soldiers to public gaols to associate with felons is highly objectionable. |
| *Lieut.-Col. Cathcart, 8th Foot* (Jamaica) | The great objection to all imprisonment, except solitary, that of evil communication, would be avoided, and soldiers should not be subjected to association with the inmates of a gaol; but military prisons on this plan are only applicable to garrisons, and would be therefore |

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| | objectionable, for a commanding officer on a detached station would lose his power when it was most wanted. |
| *Capt. Machen, Depot, 8th Foot* | It would be preferable. The associates in county gaols more likely to injure than improve the soldier. |
| *Maj. Champain, Depot, 9th Ft.* | They would possess advantages, as preventing contamination, particularly if the treadmill, the punishment most dreaded, were always resorted to. |
| *Lieut.-Colonel Freer, 10th Foot* (Mediterranean) | Would be preferable, for soldiers at present are liable to the contamination of a gaol when their offence has been a breach of discipline only, and not of an immoral character. |
| *Major Allen, Depot, 10th Foot* | Separate prisons, under strict discipline, whether in charge of military or civilians, would be a great improvement. Has found soldiers in confidential situations in gaols, and even receiving pay for their offices, who ought to have been at the treadmill. This is a premium for misconduct, and would be avoided in a military prison. |
| *Major Derinzy, 11th Foot* (Mediterranean) | Would possess considerable advantages; there would be a greater degree of regularity and uniformity of discipline. The man sent there for a mere military, not an immoral offence, would on his release feel himself far less degraded than if he had been imprisoned in a public gaol, which often renders men reckless as to their future conduct and character. |
| *Lt.-Col. Bisshopp, Dep. 11th Ft.* | Most certainly; for the moral character of young soldiers must be injured by the contamination of a gaol. |
| *Lt.-Col. Turbervill, 12th Foot* | Does not approve of military prisons. Thinks county gaols and public prisons admirably conducted in general, particularly when the discipline is enforced as at Winchester House of Correction. |
| *Lt.-Col. Sale, 13th Ft.* (Bengal) | Would be preferable, as it would be the means of keeping soldiers from the contamination of gaols. |
| *Lt.-Col. Everard, 14th Foot* | Military prisons for the exclusive reception of soldiers, and conducted on one perfectly uniform system, would possess unparalleled advantages over public prisons, the objections to which are the association with felons, and the comparatively little disgrace the soldier feels when sent to a distance, and the little impression his removal to a distance makes upon his comrades. |
| *Lt.-Col. Horton, 15th Foot* (Canada) | The imprisonment of soldiers in public gaols is very prejudicial to their moral character; they generally become worse from the society they meet with, which they would not be exposed to in prisons for the exclusive reception of soldiers. |
| *Maj. Drought, Depot, 15th Ft.* | If built within the precincts of barracks would be preferable, as keeping the individual and his crime in the minds of his comrades, and there are some objectionable indulgences in public gaols. |
| *Lt.-Col. Campbell, 16th Foot* (Bengal) | It would be very desirable to have prisons exclusively for soldiers on a system of military control; the soldier would be secured from the contamination of a gaol, and might be kept efficient for his duties. |
| *Lt-Col. Despard, 17th Foot* (New South Wales) | Would be decidedly advantageous, as the military offender would thus escape the corruption of a public gaol, and would also be under the eye of the military authorities. |
| *Col. Burrell, 18th Foot* | Military prisons on a uniform system would be preferable to public prisons, as soldiers confined in gaols are considered troublesome by the governors, and have little attention paid to them. |
| *Lt.-Col. Hardy, 19th Foot* (West Indies) | Except for theft a soldier should not be sent to a public gaol, at least in the West Indies, where the prison discipline is bad. |
| *Maj. Raper, Depot, 19th Foot* | If the system alluded to contemplates the establishment of a treadmill for soldiers exclusively, it would be beneficial to corps at the places fixed upon for such establishments, but the punishment of an offender at a distance from his comrades would not so effectually check crime as if the punishment were inflicted under their immediate observation. |
| *Lt.-Col. Leahy, 21st Foot* (New South Wales) | They would be preferable if established in barracks under the charge of an old serjeant and one or two pensioners. |
| *Capt. Keappock, 22d Foot* (Jamaica) | Decidedly, if conducted by strict discipline. Men returning from public gaols have generally returned more confirmed in vice. |
| *Maj. Pennefather, Depot, 22d Foot* | Approves of military prisons, as securing a soldier from the contamination of a gaol, as ensuring a greater certainty of the sentence being executed, and as bringing the punishment more under the view of his comrades. |
| *Lt.-Col. Harrison, 23d Foot* (Gibraltar) | Is decidedly of opinion that all military punishments should be carried into execution at the regiment, as no authorities take the same interest in the reformation of culprits as regimental authorities. There is generally a deficiency of cells in all barracks, and the means are wanting for keeping order and discipline. |
| *Maj. Ross, Depot, 23d Foot* | Undoubtedly, as it would prevent the mixture with civilians, so desirable to be avoided. |
| *Col. Tidy, 24th Foot* (Canada) | Military prisons conducted by military men would have every advantage over the present system. Men return from public gaols corrupted and to corrupt. In Montreal gaol they sometimes learn the art of coining. |
| *Maj. Kelly, Depot, 24th Foot* | Decidedly approves of military prisons, as securing the soldiers from contamination, and bringing the punishment of a delinquent more under the eyes of his comrades. |
| *Maj. Young, 25th Foot* (Demerara) | Most certainly, but thinks the employment of civilians objectionable, and that steady discharged non-commissioned officers would be preferable. It is particularly bad in the West Indies to send military offenders to civil gaols, as it lowers the soldiery in the eyes of the negro population, and they often rejoin the corps worse than when they entered prison. |
| *Maj. Priestley, Depot, 25th Ft.* | Would possess a decided advantage over the present mode, as it would prevent the intercourse with felons, the effects of which are not confined to the culprit himself, but have an influence over the young and thoughtless soldier who sleeps in the same room, or whose turn it is to mount guard with him, as he is made familiar with the details of crime furnished from the account of the delinquent soldier. |
| *Lt.-Col. Oglander, 26th Foot* (Bengal) | Most certainly military prisons would be preferable, but they should be conducted by military superintendents. An active, intelligent and religious officer might with due caution be selected from the half-pay list suitable to this purpose. He objects to public gaols: 1st. because the present system of prison discipline is so defective that no reformation of a |

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| | soldier could be expected from such a source. 2d. No soldier, whatever may be his offences, and they are chiefly military only, can be considered so sunk in moral depravity, or so degraded in the eyes of his fellow men, as to deserve to be associated with adepts in every crime, and with men steeped in the indulgence of every vice. Even for mutiny, the most formidable military offence, there can be no doubt that the soldier should not be associated with criminals of every class. If convicted of theft, his crime will generally be found that of a novice, and not that of the very numerous class who make it a trade to prey upon the property of their neighbours. 3d. A man in civil life, released from gaol, is excluded from any situation of trust; should a less strict rule be applied to the honourable profession of arms? |
| *Lt.-Col. Hare, 27th Foot* | Such a system would have great advantages over the present, of sending men to public gaols, which brings them in contact with the very worst characters in the country. If he could safely do so without compromising the discipline of the regiment, would prefer not bringing the culprit to trial rather than hazard his being sentenced to a public prison. |
| *Maj. French, 28th Foot* | Would strongly recommend a military prison, conducted by civilians, to ensure uniformity of discipline. |
| *Lt.-Col. Simpson, 29th Foot* (Mauritius) | A few establishments for the exclusive reception of soldiers, conducted by steady non-commissioned officers, on military principles, and with severe discipline, would, at home, possess many advantages. |
| *Maj. Walter, Dep. 29th Foot* | Would be decidedly advantageous, as saving soldiers from the contamination of a gaol, and from that disgrace attaching thereto, the feeling of which may prevent ultimate reform. |
| *Lt.-Col. Robinson, 30th Foot* (Bermuda) | Would undoubtedly possess advantages over civil gaols, where a soldier confined for a comparatively venial offence meets with men much worse than himself. His military impressions are weakened; he is led to think lightly of his offence when comparing it with the cases of those around him, especially when, as is too often the case, he is treated with indulgence. |
| *Major Ormond, Dep. 30th Ft.* | Prefers a military prison. He considers that nothing is so degrading to soldiers, a class of high bearing and honourable name, as to see their regimentals disgraced by the treadmill and the associates of a gaol. Has often, at the request of a man ordered to prison, purchased for him a suit of coloured clothes, and has seen his company shunned on release. He attributes the loss of that high feeling, in a great degree, to the intercourse of a gaol, and the connections formed there. |
| *Major Bolton, 31st Foot* (Bengal) | Purely military prisons must have a decided advantage over public gaols, from the description of associates likely to be encountered in the latter. |
| *Major Wingfield, 32d Foot* (Canada) | Decidedly approves of military prisons. The separation and classification of prisoners is very essential, and the regulations might be uniform, and adapted to the habits of soldiers. There would be less risk of corruption from the society of other descriptions of culprits, and the men might be under the superintendence of their own officers. |
| *Maj. Palk, Dep. 32d Foot* | They would have an advantage over the present mode of public gaols, to which there are insurmountable objections; but does not think they would do much towards the improvement of the morals of the British Army, as the most worthless characters would meet there, unless a system of non-intercourse on the plan of the United States prisons were adopted. A military governor would be preferable to a civilian, as being less likely to be imposed upon by a cunning soldier. Uniformity of system desirable. |
| *Lt.-Col. Knight, 33rd Foot* | They would possess advantages over the present mode of sending military criminals to public prisons, as they would not expose the soldier to the danger of contamination, and the discipline would be uniform. |
| *Lt.-Col. Fane, 34th Foot* (New Brunswick) | Public prisons are not well adapted for soldiers, because many military offences are very trivial in the eyes of a civilian; but a military prison under a provost marshal, like that in Dublin, would be an exceedingly good one for the punishment of soldiers. The men would be under military discipline, and the sentences properly carried into execution. |
| *Capt. Brisbane, Dep. 34th Ft.* | Would be decidedly advantageous, as the system would be uniform, and soldiers confined for military offences would not be brought in contact with criminals. |
| *Lt.-Col. Goldie, 35th Foot* | Military prisons would be much better than public gaols, as the soldiers would not there be subject to meet the hardened miscreants congregated in a public gaol; a military system would be kept up, and the soldiery generally would be more likely to see and hear of those undergoing punishment. |
| *Major Cairnes, 36th Foot* (West Indies) | Such prisons would possess incalculable advantages over public gaols, as the associates found in gaols cannot improve the morals of soldiers, and the gaol officers are too much disposed to relax the discipline in favour of military criminals, so that the prisoner does not return to his duty with that salutary disgust at confinement which is requisite to produce good effects. Confinement ought to be as irksome, both to body and mind, as is consistent with the health of the individual. |
| *Capt. Hare, Dep. 36th Foot* | Has always felt a repugnance to sending soldiers to public gaols. To a man of fair moral character, the being sent to gaol must be degrading. Prefers military prisons. |
| *Major Manners, 37th Foot* (Jamaica) | Decidedly approves of military prisons, except for disgraceful conduct, where degradation may be necessary; but they should be under the superintendence of naval or military men. |
| *Maj. Kell, Dep. 37th Foot* | Is of opinion that military offenders should never be committed to county gaols or public prisons. |
| *Major Jebb, 40th Foot* (Bombay) | Would be decidedly advantageous, as men imprisoned in public gaols would be likely to mix with individuals who would make them worse than before. |
| *Col. Sir E. K. Williams, 41st Foot* (Madras) | Approves of military prisons, but suggests old non-commissioned officers as managers. Soldiers have a great horror of public gaols, and confinement there must tend to lower their professional pride. |
| *Lt.-Col. Sir C. Gordon, 42nd Foot* (Mediterranean) | Decidedly. In county gaols and public prisons soldiers would meet with characters so depraved, that they would probably return to their regiments worse than when they entered the prisons. Military crimes seldom attach to the moral character of the man, and in all cases the soldier usually retains respect for his officers; the restraint and regular mode of life he has been accustomed to have become a second nature, which it is of the utmost |

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| | importance to maintain. But, if the soldier is allowed to mix with civil prisoners in county gaols or public prisons, all the feelings which ought to characterize a soldier would be destroyed, and he would be rendered wholly unfit for his profession. |
| *Maj. Johnstone, Dep. 42d Ft.* | Certainly, the greatest advantage. The exact discipline of a military prison would be of the greatest use to the army, and also the moral improvement of separating the soldiers from the inmates of gaols. |
| *Lt.-Col. Booth, 43d Foot* | Approves of military prisons. Men confined for crimes merely of a military nature should not be exposed to be corrupted by intercourse with the vagabonds in public gaols. |
| *Col. Elrington, 47th Foot* (Gibraltar) | All places of confinement for soldiers should be purely military. Confinement in a public gaol degrades a man in his own eyes, and, therefore, does not improve his conduct or character. |
| *Maj. Sadleir, Dep. 47th Foot* | This arrangement would be attended with the best consequences, as the habits of the soldier and a system of military exercises and subordination could be kept up. |
| *Lt.-Col. Belt, 48th Foot* | Yes; if it contrived complete separation of prisoners except when at work, and complete silence at all times in the prison. |
| *Lt.-Col. Bartley, 49th Foot* (Bengal) | Approves of military prisons; but under military control, and the strictest military discipline. |
| *Lt.-Col. Wodehouse, 50th Ft.* (New South Wales) | Would be of infinite service, as he had always found soldiers return from public prisons more hardened and corrupted. |
| *Maj. Ryan, Detach. 50th Foot* | Would possess great advantages over the present system of committing to county gaols and public prisons, where the delinquent soldier is frequently compelled to herd with the worst and most abandoned characters. He has seen soldiers of his own regiment, in Ireland, in the same prison-yard with murderers, and men who have committed every species of crime. When these soldiers return to their regiments they must contaminate the others. A certain number of military prisons should be constructed in each county, comprised in a general officer's district, and in charge of a civilian or old officer; the same uniform system of discipline should be adopted, and it should be as irksome and severe as possible. |
| *Maj. St. John, 52d Foot* | He would have thought so had not the contrary been proved by the failure of the Dublin Provost Prison, which was perfectly inefficacious with the men of the 52d regiment. The non-commissioned officers considered it rather a school for vice, and it was not looked upon with any fear. It congregates the oldest and worst offenders, and they must corrupt any young soldiers placed in contact with them. |
| *Capt. Considine, 52d Foot* | Such prisons, constructed in the large garrisons at home, and in the Colonies, provided with treadmills, and dark solitary cells, but conducted by those acquainted with the habits of soldiers, and not by civilians, would possess indisputable advantages over the present system. But the American system of enforcing strict silence, when the prisoners are associated either for work or meals, should prevail. |
| *Lt.-Col. Considine, 53d Ft.* (Mediterranean) | They would have decided advantages, but should be under military persons and military control. At present, at home, a soldier committed to a public prison is compelled to mix with the worst characters, and, nine times out of ten, he returns much worse than he was before. |
| *Maj. Butler, Dep. 53rd Ft.* | Would be decidedly preferable, but under the charge of old non-commissioned officers and privates, who might superintend their exercise as soldiers and maintain principles of military discipline with more advantage than civilians. A soldier committed to a public prison for a military offence is brought into contact with felons and men who have been guilty of every dishonest act, and whose society must be injurious. Uniformity of discipline and diet would be very preferable to the present system of gaols. |
| *Lt.-Col. Craigie, 55th Foot* (Madras) | Approves of military prisons, because the commanding officer would have the means of ascertaining that there is no deviation from the prescribed regulations. He cannot interfere with the discipline of a gaol. |
| *Lt.-Col. Prichard, 56th Ft.* (Jamaica) | Military prisons would be decidedly advantageous, as securing the soldier from contamination by bad characters in gaols. |
| *Maj. Eden, Dep. 56th Ft.* | Military prisons conducted by persons acquainted with the Army would be desirable, as preventing the soldiers from associating with bad characters, as keeping up their military spirit and habits. |
| *Col. Clifford, 58th Foot* (Ceylon) | Would be preferable to county prisons, but under military superintendence. If, however, places for imprisonment with hard labour were constructed on every station, it might supersede the necessity of military prisons. |
| *Maj. Ricketts, Dep. 58th Ft.* | Approves of the military prison. It would have more effect upon the soldiers in general, and the culprits would, at certain periods, be regularly drilled, thus keeping up their efficiency as soldiers. |
| *Lt.-Col. Fuller, 59th Foot,* (Gibraltar) | Military prisons, under a provost marshal, well selected civilian, or steady non-commissioned officer, best suited to habits of a soldier, and preferable to a gaol, whence they seldom return improved. |
| *Maj. Gordon, Dep. 59th Ft.* | Military prisons would be preferable as keeping a soldier from bad associates, but they should be conducted by old serjeants at the head quarters of the regiment or depôt. |
| *Lt.-Col. Bunbury, 1st Batt. 60th Ft.* (Mediterranean) | Most decided advantages would be gained by military prisons, if conducted by military persons, as better capable of managing the soldier, from knowledge of his habits. The associations formed in a public prison, in ninety-nine cases out of a hundred, return a man to his regiment worse than when he quitted it. |
| *Maj. Trevelyan, Depot, 1st Batt. 60th Foot* | Military prisons would be preferable to public gaols, but under the management of military men rather than civilians. This description of prison should, however, be at the barracks, and so constructed that hard labour and solitary confinement could be inflicted within it. |
| *Lt. Col. Ellis, 2d Batt. 60th Foot.* | Approves of military prisons. |
| *Col. Darley, 61st Foot* (Ceylon) | Most decidedly approves of military prisons, and states that a man of his regiment returned from a public gaol much worse than when he entered it. |
| *Maj. Forbes, Dep. 61st Ft.* | Would have great advantages where imprisonment with hard labour is to be enforced. |

| OFFICER'S NAME. | ANSWERS. |
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| | Soldiers for merely military offences should not be exposed to the contamination of the society of criminals of the deepest dye. They are more likely to receive lessons that may lead to the gallows than acquire improved habits. |
| *Lt.-Col. Fairtlough*, 63*d Ft.* (Madras) . . . . . | They would be a great improvement as preventing contamination of a gaol. |
| *Lt.-Col. Kirkwood*, 64*th Ft.* (Jamaica) . . . . . | Is totally adverse to subjecting soldiers to any punishment, for military offences, in county gaols, or placing them under the charge of civilians. Recommends that a class of buildings suitable for a prison, cells, and defaulters' room, be attached to every barrack, under the charge of non-commissioned officers. |
| *Maj. Freeth, Dep.* 64*th Ft.* . | Certainly; if conducted by steady non-commissioned officers. Soldiers, particularly young ones, should be kept from the contagion of prison society. Treadmill in each barrack, where the punishment would be seen by others, would operate as an example. |
| *Maj. Farquharson*, 65*th Ft.* (West Indies) . . . . . | They would possess the greatest advantages over public prisons, as preventing associations with the greatest criminals, and insuring the infliction of the punishment awarded. |
| *Maj. Walker, Dep.* 65*th Ft.* . | A very large proportion of those sentenced by court martial to hard labour are tried for offences purely military, and they should not be associated with prisoners in a public gaol. |
| *Colonel Nicol*, 66*th Foot* (Canada) . . . . . | They would be far preferable to the present system; first, as insuring the strict execution of the sentence; second, as securing the soldier from contamination; and, third, as removing the disgrace which is attached to the military profession by the public display of delinquents going to and from gaols and prisons. |
| *Major Daniell, Dep.* 66*th Ft.* | A military prison will insure an uniform system of inflicting solitary confinement with due severity; but, for hard labour, the county bridewell is the best place to carry it into execution. |
| *Major Brooke*, 67*th Foot* (West Indies) . . . . . | Does not approve of military prisons. They would not be held in such dread and abhorrence by the soldier as the public gaol, and the necessary removal from his comrades. |
| *Maj. Johnstone, Dep.* 67*th Ft.* | There should be in every military district a military prison or provost, to be reserved exclusively for the higher class of military offences. The sentence of this prison to carry with it the forfeiture of at least twelve months' service, or all additional pay whilst serving, subject to restoration for good conduct. The committal of soldiers to public gaols contaminates them; and in Ireland they are frequently treated with great indulgence by the gaolers. |
| *Lt.-Col. Cross*, 68*th Foot* (Gibraltar) . . . . . | If conducted on an uniform system would be preferable to sending soldiers to county gaols, where they can scarcely escape contamination. |
| *Major Lord W. Paulet, Dep.* 68*th Foot*. . . . . | They would be preferable, but should be under military superintendence. The soldier generally returns from a public gaol worse than when he entered it. |
| *Major Brookes*, 69*th Foot* (West Indies) . . . . . | Has not served much in the United Kingdom, and can say but little of the effect upon soldiers of imprisonment in county gaols. Is of opinion that military prisons would be advantageous, as soldiers would there associate with each other, whereas in a public gaol the soldier must be liable to contamination from being placed in contact with culprits of the most degraded character. |
| *Maj. Monins, Dep.* 69*th Foot.* | Military prisons conducted upon one uniform system would possess advantages over county gaols; first, by preserving the habits of the soldier; second, by securing him from the bad society of public prisons; third, he might be compelled to keep his arms and accoutrements in order; fourth, he might be drilled with his company if undergoing hard labour. |
| *Colonel Evans*, 70*th Foot* (Gibraltar) . . . . . | The resorting to public prisons is highly objectionable. Men entering them with good morals, though guilty of a military offence, rarely escape contamination from the degraded felons with whom they are compelled to associate. Suggests the erection of a treadmill at every considerable barrack under a ball-court for recreation. The soldier would thus receive proof of a kindly disposition on the part of his superiors, whilst in case of misconduct there would be a power of inflicting an immediate punishment. |
| *Maj. Kelsall, Dep.* 70*th Foot* | In civil prisons the discipline varies considerably, and its severity or lightness depends a good deal upon circumstance. It would be desirable that punishment should be of a determinate nature. For this reason military prisons regulated upon one uniform system would be advantageous, as Courts Martial in awarding sentence would duly understand the nature of the punishment to be inflicted, and be better able to apportion its duration to the offence. |
| *Lt.-Col. Peddie*, 72*d Foot*, (Cape of Good Hope) . . | At every barrack where a regiment is stationed a proper prison should be constructed, so that the punishment might be carried into effect under the superintendence of the commanding officer. |
| *Maj. Hall, Dep.* 72*d Foot* | They would be advantageous as insuring adequate punishment; and the expense and inconvenience of sending prisoners to distant places is equally great under the present system. |
| *Major Lloyd*, 73*d Foot*, (Mediterranean) . . . . | Is decidedly of opinion that they would, as men joining from gaols are anything but improved in their conduct. If these punishments could, however, be carried into effect at head quarters of the regiments, it would be more beneficial to the culprit and to others. In public gaols the commanding officer cannot interfere. |
| *Maj. Hamilton, Dep.* 73*d Ft.* | Yes, if they could be established in or near barracks under the observation of the soldiery, by which means the men would be constantly reminded of the infliction and severity of the punishment. |
| *Lt.-Col. Mein*, 74*th Foot* (West Indies) . . . . . | They would be decidedly preferable, as preventing association with the felons in a public gaol. |
| *Maj. Crabbe, Dep.* 74*th Foot* | Approves of a military prison, but under military superintendence; first, because the punishment is inflicted where the crime was committed; second, the comrades of the culprit witness the progress of the punishment; third, there is less chance of the prisoner, who is not, perhaps, a morally bad man, being corrupted than he would be by the contamination of a gaol; and, fourth, the officers have an opportunity of seeing that the punishment is properly inflicted, and can judge how far an application for remission may be made beneficially. |

| OFFICER'S NAME. | ANSWERS. |
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| *Lt.-Col. England*, 75*th Foot* (Cape of Good Hope) . . | Military prisons in large garrison towns would seem most advantageous. The discipline under military superintendence might be rendered more rigorous than is possible in a public prison, and association with depraved characters would be prevented. |
| *Maj. Quill, Dep.* 75*th Foot* . | Approves of military prisons, provided each soldier has a cell to himself and is not allowed to have any intercourse with the other prisoners, except during the hours of labour. |
| *Major Clark*, 76*th Foot* (West Indies) . . . . . | They would have great advantages over public prisons, as securing young soldiers from the contamination resulting from their mixing with felons in a gaol. |
| *Maj. Hutchinson, Dep.* 76*th Ft.* | The few advantages they present would be more than counterbalanced by the expense attendant on such an arrangement; and it may be doubtful whether they would be better influenced by the military inmates of gaols than the civil, for the worst characters of the army would meet there, whereas the greatest scamps, from a sense of professional pride, have frequently entirely separated themselves from their fellow prisoners in a public gaol, and a mutual mistrust, arising from the great difference of pursuits prevents both classes from seeking to become intimately acquainted. |
| *Lt.-Col. Bradshaw*, 77*th Foot* | Certainly, by preventing the soldier from mixing with men of infamous character, and the punishment being exclusively military, the soldier would not feel so degraded as he does now, when committed to a public prison among offenders of all descriptions. |
| *Major Douglas*, 78*th Foot* (Ceylon) . . . . . | They would be advantageous as preventing intercourse with the depraved characters usually found in a public gaol; but does not see any advantage that would result from their being conducted by civilians; and with reference to the different climates and countries in which the army is required to serve, considers that uniformity of system might not in all cases be advisable. |
| *Maj. Adams, Dep.* 78*th Foot* | They would be advantageous if conducted as provost prisons usually are by military men of experience. They would save a young man who has not lost all proper feeling, from that degradation which results from being imprisoned in a common gaol. |
| *Lt.-Col. M'Dougal*, 79*th Foot* (Canada) . . . . . | Approves of military prisons, but conducted by military men, because in many of the gaols, the means possessed and the system pursued are not the best calculated to lead to reform, while from the frequent observation that would follow military prisons, the best general means might be devised for the punishment and prevention of crime. The moral character of the profession, as well as that of the individual, is injured by the contamination of a gaol. For minor offences, when the imprisonment is short, it should take place within barracks; when for an extended period, in the military prisons; and when of a highly disgraceful nature, it should, as a mark of ignominy, be inflicted in the civil gaol. |
| *Maj. Ferguson, Dep.* 79*th Ft.* | Where there is a good bridewell within the reach, military prisons would be unnecessary, particularly as, unless each man is kept in a separate cell, no one can tell what might be the result of a crowd of culprits from different regiments. When recourse is had to solitary confinement, military prisons might be beneficial. |
| *Lt.-Col. Pitt*, 80*th Foot* . . | Refers to a previous answer, suggesting solitary cells in barracks, and the establishment of garrison or district treadmills. |
| *Lt.-Col. Maclean*, 81*st Foot* . | Approves of military prisons. The associations formed in public gaols must corrupt the soldier. |
| *Lt.-Col. Hogarth*, 82*d Foot*. | They would be most beneficial, if conducted on military principles, as a soldier would be preserved from the contamination of such associates as he is likely to meet in public gaols, and be also subjected to a more uniform and rigorous discipline. |
| *Lt.-Col Dundas*, 83*d Foot* (Nova Scotia) . . . . . | The less necessity there is for resorting to public gaols the better. The men are there brought in contact with the very worst characters; and, whatever their military offences may have been before sent to gaol, he has never known an instance of a soldier returning to his duty from a gaol, either improved in habits, character, or conduct. |
| *Maj. Trydell, Dep.* 83*d Foot* | It is very objectionable to place soldiers in public gaols, as they are mixed with the most depraved characters, but the military prisoners should be under the same control and perform the same work as civil prisoners; their diet consisting of bread and milk only. |
| *Maj. Nicholl, Dep.* 84*th Foot* | They would possess advantages over public gaols, first, by preventing the culprits from having any communication with each other; secondly, by the example they would afford which is lost when delinquents are detached to public prisons, which might be reserved for crimes of a disgraceful nature. He would also recommend a strong room for defaulters, under the control of the commanding officer, from which a soldier might take his duty, drills, &c. |
| *Col. Warburton*, 85*th Foot* . | They would be a great improvement. |
| *Major Stuart*, 86*th Foot* (West Indies) . . . . . | Certainly. He has invariably found that prisoners released from public gaols always come out worse characters than before. A military prison preferable, and it might be expedient to try the American system. |
| *Capt. Creagh, Dep.* 86*th Foot* | Such a prison would possess considerable advantages over the gaols now resorted to. Contact would be avoided with civilians, frequently of the worst character, and it would ensure more uniformity in the treatment of each class of culprits. At the same time he expresses his disbelief of much good resulting to the soldier from hard labour. |
| *Lt.-Col. Streatfeild*, 87*th Foot* (Mauritius) . . . . . | Almost any mode of punishment is preferable to resorting to public gaols. Prisons for the military, exclusively, in garrisons, conducted upon an uniform system might possess great advantages. |
| *Capt. Doyle, Dep.* 87*th Foot* | Is decidedly of opinion that military prisons would be advantageous. A soldier guilty merely of a military offence may not be morally a bad man, but for this offence, he is forced, in public gaols, to herd with men lost to every feeling, and the chances are that he returns to his regiment worse than before. |
| *Col. O'Malley*, 88*th Foot* (Mediterranean) . . . . | They would possess advantages over public gaols as securing soldiers from being mixed up with the worst description of persons. |
| *Maj. O'Hara, Dep.* 88*th Foot* | Approves of a military prison. If one were established at the principal military station in each district under the superintendence of an old and deserving officer or soldier, and frequently visited by superior officers to see that a fixed system was rigidly adhered to, beneficial results might be expected. A constant example of punishment would be presented to the soldier, and he would be secured from association with felons. |
| *Lt.-Col. Jones*, 89*th Foot*. . | They would possess considerable advantages over the present system, but should be conducted |

| OFFICER'S NAME. | ANSWERS. |
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| | by military men. These advantages would consist in the prisoners not being associated with the abandoned and profligate characters who usually compose the inmates of public prisons; and the military superintendent would be more likely to establish a system of management adapted to the correction of military offenders and serving as an example to others, than the civilian. |
| *Lt.-Col. Arbuthnot, 90th Foot* | Decidedly approves of military prisons, but they should be under military superintendents, such as old non-commissioned officers, who understand the nature of a soldier better than civilians. Nothing can possibly be worse than the present system. To show the evils of prison discipline he states a case where he found seven of his men confined in the same ward in Kilkenny gaol with two murderers, and another time at Naas two young soldiers were confined with thirteen chiefly in confinement for Whiteboy offences. |
| *Lt.-Col. Anderson, 91st Foot* | Proposes that a military prison be erected in every barrack, and placed under the charge of a serjeant with a soldier as assistant, and that dark cells and light cells should be constructed for solitary confinement, and a room for prisoners awaiting trial. All prisoners should be confined in those prisons and never in the regimental guard rooms. On the line of march they should be committed for the night to public prisons and confined in separate cells. Also proposes the erection of a military prison in every district for hard labour and solitary confinement under the direction of the provost marshal. |
| *Lt.-Col. M'Donald, 92d Foot* (Gibraltar) . . . . . | One uniform system would be desirable, but it would be better conducted by military men than civilians. Prisons, however, purely military, might endanger discipline unless the culprits were effectually excluded from all communication with each other. The congregation of the bad men of every regiment would spread insubordination throughout the army, and young soldiers who would despise the thief and the pickpocket, might be disposed to pay great deference to the opinions and advice of a designing and plausible comrade. |
| *Maj. Winchester, Dep. 92d Foot* . . . . . | Approves of them, but not conducted by civilians. The offender would not then come in contact with civil prisoners of infamous and degraded character. |
| *Lt.-Col. M'Gregor, 93d Foot* | Approves of military prisons as securing uniformity of system in punishment, and a complete separation between military and civil offenders; for though there are soldiers who in mingling with civil prisoners will communicate as much contamination as they receive, yet in general the crimes for which soldiers are imprisoned argue much less moral depravity than those which mark the character of the usual inmates of a gaol. |
| *Lt.-Col. Paty, 94th Foot* . . | Military prisons under proper regulations are greatly wanted, and would do away with the chief objection to hard labour, viz., the association with bad characters and consequent return of men to their regiments with habits more vicious than before their imprisonment. |
| *Maj. Milner, Dep. 94th Foot* | They would be certainly preferable, if such could be established, as it is desirable that soldiers should be separated as much as possible from the hardened persons that are to be met with in public prisons, and which must tend to increase their vicious habits. |
| *Lt.-Col. Campbell, 95th Foot* | They would be advantageous, but should be conducted by military men, as more conversant than civilians with the habits of soldiers. Public prisons are objectionable as placing the soldier in contact with criminals of the worst description, from which association they must return corrupted to their regiments. |
| *Maj. Wrottesley, Dep. 95th Ft.* | Approves of military prisons, but under military superintendence. No conversation should be allowed during the period of labour, which should not be menial duties for the superintendents; and there should be a strict classification of cases. Such prisons would secure soldiers from the contamination resulting from associating with felons. |
| *Lt.-Col. Cairncross, 96th Ft.* (Nova Scotia) . . . . . | They would be preferable to public prisons, from which soldiers invariably return to their regiments worse than when sent there; but military prisons should be under a provost marshal. |
| *Maj. Hill, Dep. 96th Foot* . | Certainly if conducted on an uniform system and under the guidance of a provost marshal. The discipline of civil gaols varies, and the uncertainty whether the confinement there will be harsh or lenient has a bad effect on the minds of soldiers. Civilians when in charge of gaols are apt to view with indifference the offences committed by military men, and therefore to treat them lightly, and are greatly relax in their duties by which some of the most notorious offenders escape punishment. |
| *Col. Hamilton, 97th Foot* (Ceylon) . . . . . | A building ought to be attached to every barrack, where the head quarters of a regiment are stationed, capable of containing from ten to twenty men, to be placed under military superintendence. The building should have a yard walled in. The house to afford the means for separate confinement at night, and when not at work. Another room should be in the yard for defaulters with sufficient space in the yard to allow of drill without going outside the gate. |
| *Capt. Smith, Dep. 97th Foot* . | Certainly, if separate accommodation could not be afforded to military delinquents in public gaols. Military prisons would also ensure an uniformity of hard labour and scale of diet. |
| *Lt.-Col. M'Caskill, 98th Foot* (Cape of Good Hope) . . | Public gaols are utterly ruinous to the moral feeling and discipline of soldiers. They are debasing to the individual and degrading to the character of the army. After undergoing punishment there, or transportation, the criminal should not rejoin his regiment. Military prisons would be infinitely preferable, but under military conductors. |
| *Maj. Le Marchant, Dep. 98th Foot* . . . . . | They would have marked advantages over resorting to public gaols, where the most vicious characters are associated with the soldier, and too generally succeed in thoroughly corrupting him. In military prisons conducted on an uniform system the same evil consequences are not likely to ensue. |
| *Lt. Col. Johnstone, 99th Ft.* (Mauritius) . . . . . | Approves of military prisons, but they should be conducted by military men, as being more acquainted with those over whom they would be placed in charge. |
| *Maj. Macpherson, Dep. 99th Foot* . . . . . | Decidedly approves of military prisons, because by associating with culprits in public prisons, soldiers return to their regiments more hardened and worse characters than before. |
| *Maj. Hope, 1st Batt. Rif. Br.* (Nova Scotia) . . . . . | They would be highly advantageous and far preferable to public prisons, in which the soldier has for associates thieves and vagabonds, and consequently rejoins his corps a worse character than he left it. |

| OFFICER'S NAME. | ANSWERS. |
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| *Lt.-Col. Eeles, Dep. 1st Batt. Rifle Brigade* . . . . | Has the greatest possible objection to sending to county gaols and public prisons, where many are entirely ruined by associating with the villains they meet there. Military prisons conducted on the American principle, and by military men would be far preferable. These prisons should be furnished with a military guard, not so much for the purpose of securing order and subordination as for the purpose of bringing the punishment under the eyes of the soldiery. |
| *Col. Brown, 2d Batt. Rif. Brig.* (Mediterranean) . . . | They would be highly desirable as keeping military prisoners separate from those, by association with whom they are likely to be degraded and contaminated. It does not appear material whether they are conducted by military men or civilians, provided strict discipline, order, regularity, cleanliness, and attention to work are enforced. It might be difficult to find in the army or the pensioners from it, persons thoroughly acquainted with the most approved system of gaol discipline. Authority derived from military rank not at all necessary in such prisons. |
| *Capt. Gosset, Dep. 2d Batt. Rifle Brigade* . . . . | They are decidedly most desirable as preventing military prisoners coming in contact with and getting contaminated by the vile characters in public prisons, and returning to their corps worse than when they quitted it. Prefers military superintendence, as the soldier's habits could be kept up, and his management better understood. |
| *Lt.-Col. Doherty, 1st W. Ind. Reg.* (West Indies) . . | Many obvious advantages would be the consequence of acting upon the great and essential principle of preventing evil communication. The prisoners being compelled to work at one or other trade or occupation, and their labour usefully applied would also be productive of many advantages. |
| *Lt.-Col. Nicolls, 2d W. Ind. Reg.* (West Indies) . . | Sending a soldier to a common gaol, where every species of villain from a murderer to a pickpocket is to be found, is most objectionable. Military prisons would possess incalculable advantages. Drill should form a part of the prison discipline, and civilians cannot be qualified for the task. |
| *Maj. Fletcher, Ceylon Reg.* (Ceylon) . . . . . | Would undoubtedly be preferable, but conducted by military persons. |
| *Maj. Burney, Cape Riflemen* (Cape of Good Hope) . . | Has invariably observed that soldiers returning from gaols are not improved in character or habits. |
| *Maj. de Piro, Malta Fenc.* (Malta) . . . . . | Soldiers here are always kept in military prisons under the charge of a provost serjeant or at the head quarters of the regiment. It is better to keep soldiers in military prisons under military control. |
| *Maj. Du Bourdieu, Provis. Batt.* . . . . . | They would possess great advantages over the present mode as tending to keep up the proper feelings of pride which it is so desirable to maintain in the soldier. As long as there is a chance of reclaiming the offender through those feelings, it would be most unadvisable that he should be thrown into the society of the common herd of culprits he would encounter in a public prison, and made to suffer from that sense of degradation which must result from having such associates. It is also an object not to degrade the military character in the eyes of the public, who cannot discriminate between merely a military and a moral offence, as both are subject to the same punishment. |
| *Lt.-Col. Brunton, 13th Light Dragoons* (Madras) . . | A soldier, for a military crime, should not be confined in any other than a military prison, and therefore any establishment of the kind should be conducted by military men. Hard labour in a military prison might be employed for military purposes. The principal reasons in support of military prisons, are, that a soldier for a military offence should not suffer degradation so as to expose him to be scoffed at and reproached by his comrades; and that soldiers for military offences which in the eye of the civil law are not even punishable, should not be subject to daily intercourse with the worst of characters, and it is hard to say that whatever his previous character may have been, he would not become corrupted by it. The degradation which the soldier suffers in the eyes of the public also leads to the most fallacious comparisons between the number of civil and military delinquents, as the far greater portion would not, as civilians, be subject to punishment at all. But those prisons are not to receive those who come within the cognizance of the civil law; they must bear the punishment of their crimes and their degradation cannot be avoided. |
| *Lt.-Col. Dennis, 3d Foot* (Bengal) . . . . . | Approves of military prisons, but conducted by military men. |
| *Lt.-Col. Custance, 9th Foot* (Mauritius) . . . . . | It would be of benefit to be conducted by civilians. The culprits should be separated as much as possible at all times, and men of different regiments should not mix; and on no account to be within the precincts of a barrack. |
| *Lt.-Colonel Green, 20th Foot* (Bombay) . . . . . | The incarceration of a soldier in a common gaol is productive of the worst consequences. He loses the restraint of discipline and imbibes all the profligacy and vice of those with whom he is associated. A military prison, under proper regulations, would possess many advantages, particularly if a treadmill were attached to it. |
| *Lt.-Col. Piper, 38th Foot* (Bengal) . . . . . | Not having seen the effect of the county gaols, he cannot speak on this head. |
| *Major Poole, 39th Foot* (Madras) . . . . . | Is decidedly of opinion that military prisons should be established, and that no intercourse should be permitted with those confined there, except on the part of their immediate superintendents; that there should be a separate cell for each, when not at work; that the management of them should, however, be intrusted to a respectable class of non-commissioned officers upon an uniform principle. He prefers military superintendents as being less expensive, as better calculated to maintain a proper system of discipline, as keeping alive habits of cleanliness, regularity, and respect for authority, and as placing in the hands of the Commander-in-chief the means of rewarding the long services of some of that most useful and meritorious class of persons. |
| *Lt.-Col. Boys, 45th Foot* (Madras) . . . . . | Military prisons, but placed under military superintendence, would be of the greatest possible benefit both to the individuals and the service, as he considers the moral feeling of the soldier to be destroyed the moment he becomes the inmate of a public gaol, from an association with the dregs of society. |
| *Lt.-Col. Fane, 54th Foot* (Madras) . . . . . | In India solitary confinement is generally carried into effect at the head quarters of the regiment, a certain number of cells being attached to each European barrack. |

| OFFICER'S NAME. | ANSWER. |
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| *Major Hunt*, 57*th Foot* (Madras) . . . . . | Yes. The example and frequently the advice of criminals with whom they unavoidably come in contact tend to harden them. In proof of this, he states that two men, who after trial for mutiny in New South Wales had been sentenced, the one to transportation, the other to imprisonment, were, after about two years had expired, restored to their corps, and proceeded with it to India, where their subsequent conduct was so bad that they were ultimately transported, as felons, for life. |
| *Major Cramer*, 62*nd Foot* (Madras) . . . . . | He cannot offer an opinion on this, as no common gaols nor public prisons for the reception of soldiers for military offences exist in India. |
| *Major Pritchard*, 71*st Foot* . | Approves of military prisons; because, men committed to public gaols for merely military offences, have acquired there vices and habits with which they were previously unacquainted. But does not think civilians properly qualified to superintend military prisons. |

Has any other mode of Punishment than those now in use occurred to you, as likely to be advantageously employed, in maintaining Discipline and good order in the Army?



| OFFICER'S NAME. | ANSWER. |
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| *Major-Gen. Sir C. D'Albiac* | *Stocks* have been suggested, and might be useful, but scarcely forcible enough. To be erected in barrack yards, but could not be used in wet weather. |
| *Major-Gen. Sir T. M'Mahon* | Stoppage of pay, by which the delinquent would be punished without throwing his duty on the good soldier. |
| *Major-Gen. Sir H. Bouverie* | None. (*See Remarks on Corporal Punishment.*) |
| *Col. Sir L. Greenwell* | The powers of commanding officers should be extended, so as to enable them to order eight days' solitary confinement. The log might be applied to minor offences, and fatigues for defaulters. |
| *Major-Gen. Hon. P. Stuart* | None. |
| *Major-Gen. Thornton* | *Cobbing*, under sentence of Company Courts-Martial. (*See General Observations.*) |
| *Major-Gen. Ross* | None, beyond those before suggested. |
| *Lieut.-Gen. Sir H. Vivian* | Suggests a dress of disgrace for minor offences,—a practice successfully adopted in the 7th Light Dragoons, and the establishment of punishment-companies, the men to labour in slop-clothing, and at a lower rate of pay, at home, and for greater criminals, a corps for service at Sierra Leone. The present system of transporting has very little effect, and many men have even boasted that they were guilty of crimes, with a view to being so punished. Acts of violence towards non-commissioned officers have increased, thus evidently proving the inefficiency of the present modes of punishment, and the necessity of returning to more summary means. |
| *Major-Gen. Sir E. Blakeney* | Squad and company reprimand for minor offences, after that, appeal to commanding officer, and finally, Court-Martial. General officers to have power to discharge irreclaimable men, after marking them, or the establishment of hard labour companies on foreign stations. |
| *Maj.-Gen. Sir J. Douglas* | Too much attention is paid to the mode of punishing, too little to the prevention of crime. Great and beneficial changes might be certainly made in the mode of imprisonment. |
| *Major-Gen. Macdonell* | Is not prepared to suggest any. |
| *Major-Gen. Sir T. Arbuthnot* | None, if the present modes are properly carried into effect. Has found the greatest advantage, in cases of mutinous insubordination, in bringing the principal offenders to General Court-Martial, with a view to their being transported. |
| *Lieut.-Gen. Sir W. Houstoun,* (Gibraltar) | *Stocks* for punishing refractory prisoners. More power should be placed in the hands of commanding officers, and captains of companies should be empowered to order forty-eight hours' imprisonment: and the establishment of companies of discipline, on the plan adopted in the French service. |
| *Major-Gen. Sir F. Ponsonby,* (Malta) | None. (*See Remarks on Corporal Punishment.*) |
| *Major-Gen. Sir S. Chapman,* (Bermuda) | Present modes failed, till corporal punishment was resorted to in an instance quoted. (*See Remarks on Corporal Punishment.*) |
| *Major-Gen. Sir Lionel Smith,* (West Indies) | Commanding officers should be invested with more power, to supersede the necessity of frequent Courts-Martial. They should be empowered to award solitary confinement for six days, and imprisonment, with hard labour, for nine days. The present constant appeals to Courts-Martial have weakened the influence of those tribunals, by removing the dread which used to attach to them. Remonstrance, counsel, and advice should be the leading principles of command, but where such lenient and considerate measures have failed, power more unlimited than now exists should be placed in the hands of commanding officers. These powers applied with discretion, and without that exposure which results from Courts-Martial, would certainly and advantageously strengthen the tie between the soldier and his commanding officer. |
| *Major-General Middlemore,* (Grenada) | Habitual drunkards should be formed into a drunken squad, to be employed in mending, making roads, &c., and when dismissed from work, should be confined to the defaulters' room. |
| *Major-Gen. Sir Carmichael Smyth,* (Demerara) | *Stocks*, and the log or *boulet*, should be legalized, and recommended to the consideration of Courts-Martial. |
| *Major-Gen. Sir C. Campbell,* (Nova Scotia) | Classification of men, as in the Prussian service, the lowest class only to be subject to the lash. Discharge with ignominy should form part of the system, and reduced rates of pay and pension for bad soldiers. Deserters retaken should serve for the term of their natural lives. Punishment-companies should be formed for such men at Newfoundland, St. Helena, and other islands where escape would be impossible. Transportation to Bermuda has failed entirely as a check to desertion, the great military offence in North America. It is matter of notoriety that soldiers even of general good character are not unwilling to exchange their indefinite military servitude for a few years upon the works of that island, with certain freedom at the expiration of a period of generally very limited duration. |
| *Col. Arthur,* (Van Diemen's Land) | Knows of none. The punishment of transportation should be better understood in the army than has hitherto been the case. "It is of infinite importance that every soldier should know that a transported felon is, in point of fact, a slave, subject to the most summary punishment."—"A military culprit, whose crimes may be of a highly aggravated character, may be at once consigned to a penal settlement, or he may be worked in chains on the roads, or he may be assigned." Men in defaulters' room, and others undergoing less severe punishment, should live, mess, and parade together. |
| *Col. Lygon, 2nd Life Guards* | Courts-Martial should have power to sentence to foreign service. |
| *Col. Hill, Royal Horse Gds.* | Other modes of punishment are used in the regiment to maintain discipline and good order, which do not require Courts-Martial. |
| *Col. Sir G. Teesdale, 1st Dn. Guards* | The worst characters should be allowed, as formerly, to commute their punishment for foreign service for life, in corps established for that purpose. |
| *Maj. Kearney, 2nd Dn. Gds.* | Imprisonment, with hard labour and solitary confinement, are severe punishments in themselves, but they want the force of example, as the culprit is removed from the eyes of his comrades. |
| *Lt.-Col. Story, 3rd Dn. Gds.* | Transportation, when repeated imprisonment has failed. |
| *Lt.-Col. Chatterton, 4th Dn. Guards* | Commanding officers should have the power of awarding severe punishments of confinement, and a discretionary power of stopping some portion of a delinquent's pay, to be applied to the remuneration of the individual doing his duty. No soldier who does not perform daily duty, should have his pay; he should have his subsistence only. |

| OFFICER'S NAME. | ANSWER. |
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| *Major Scarlett, 5th Dn. Gds.* | There might be an improvement in the mode of administering imprisonment. The punishment should be severe, but not long. |
| *Lieut.-Col. Wildman, 6th Dn. Guards* | None, since the reduction of the soldier's pension. The fear of being discharged with ignominy, has restrained some of the very worst characters. |
| *Lt.-Col. Clark, 7th Dn. Gds.* | Commanding officers should have more discretionary power to punish minor offences, to supersede the necessity of frequent Courts-Martial. Defaulters' room not dreaded by the men. Commanding officers should have power to inflict eight days' solitary confinement, with bread and water; and captains of troops, three or four days. |
| *Lieut.-Col. Somerset, 1st Dns.* | None in addition to those now in use. |
| *Major Wyndham, 2nd Dns.* | None beyond those already in use. But a strong example, and one that can be inflicted at the moment, will be of more effect than punishments remote from the soldier's eye. |
| *Lt.-Col. Stisted, 3rd Lt. Dns.* | For a heavy crime, aggravated by previous bad character, general service in a regiment abroad might be advisable, and transportation substituted for discharge with ignominy. |
| *Lt.-Col. Fendall, 4th Lt. Dns.* (Bombay) | The limits to the power of commanding officers, and to that of Regimental Courts-Martial, have led to great irregularities, particularly in trials for habitual drunkenness, before District Courts. More frequent recourse should be had to dismissal from the service for repeated bad conduct, by vesting major-generals with the power of discharging. |
| *Lt.-Col. Madox, 6th Dns.* | The modes of punishment now in use are quite sufficient to maintain discipline. But a system of reward for the well conducted, in the shape of increased pension, should be introduced. |
| *Lt.-Col. Hill, 7th Lt. Dns.* | Advantages resulted from the old system of troops Court-Martial for petty offences, among the men themselves, which awarded *booting*. Commanding officers should have greater power. |
| *Lt.-Col. Molyneux, 8th Light Dragoons* | The powers of commanding officers might be extended, to enable them to order solitary confinement on bread and water for eight days, and in a lock-up-room, the man doing his duties, for fourteen days. The use of the *log* might be restored advantageously. Jackets of glaring colours, with the word "drunkard," in large letters on the back, might be useful for men confined to barracks for drunkenness, as the soldiers dread the ridicule of their comrades almost as much as any severe punishment. |
| *Lt.-Col. Campbell, 9th Light Dragoons* | In every regiment there are men whom no punishments whatever will reclaim. Generals of districts should have the power of discharging such men forthwith. |
| *Lt.-Col. Lord T. Cecil, 10th Light Dragoons* | There should be a greater facility of discharging bad characters out of the service, or to condemned regiments. Imprisonment cannot be resorted to on service. Some instantaneous punishment for minor offences, such as *picketing*, would have good effect. |
| *Lt.-Col. Brutton, 11th Light Dragoons*, (Bengal) | Commanding officers should have power to inflict prompt and summary punishment for minor offences, without Court-Martial. This might be secured by a detached barrack for defaulters, where they should be confined and messed away from their comrades, and not allowed any fermented liquor for a period of at least four months. |
| *Lt.-Col. Stawell, 12th Lt. Dns.* | Commanding officers should have power to award seven days' solitary confinement; guard-room for seven days, and defaulters' room, fourteen days. Regimental Courts-Martial should have power to award thirty days' solitary confinement. |
| *Lt.-Col. Townsend, 14th Lt. Dragoons* | Suggests the *log* for those who are in the habit of breaking from barracks when under confinement, or after watch setting. |
| *Lt.-Col. Badcock, 15th Light Dragoons* | Almost all the punishments now in use are wanting in the principal effect, example. Few are reclaimed by punishment; the terror its example inspires, may deter others. |
| *Lt.-Col. Lord Bingham, 17th Light Dragoons* | The powers of commanding officers and of Regimental Courts-Martial are too limited, which has rendered the latter less respected. Immediate and certain punishment best calculated to check crime and preserve discipline. Commanding officers should have power to commit to prison from parade for twelve days, the men to forfeit, during imprisonment, all pay above 6*d.* a day; and off duty, to dry room for thirty days, men receiving their usual rations. For further particular offences, such as repeated absence without leave, an iron weight of six or eight pounds to be attached to a man's leg for a period not exceeding sixty days. Soldier to have right of appeal to Court-Martial, but the Court should have power to double the punishment, on conviction. Regimental Courts-Martial should be authorized to try for habitual drunkenness, and for the majority of military offences, and be empowered to sentence stoppage of pay, imprisonment with hard labour for six months, solitary confinement for three months, dry room when off duty for six months, and to the iron weight for six months. More frequent dismissal of incorrigible characters with ignominy and branding. |
| *Col. Sir J. Woodford, Gr. Gds.* | There should be more facility afforded to a regiment to get rid of bad characters. General Court-Martial should have power to discharge with ignominy, accompanied invariably with a sentence to hard labour, as a convict in the dock-yards, for two or three years, those guilty of repeated acts of insubordination and violence. |
| *Col. Fremantle, Coldst. Gds.* | *Stocks* should be introduced into every black hole. More power should be given to commanding officers and to Regimental Courts-Martial. The delay in inflicting punishment attending a District Court-Martial, which, on an average, is sixteen days after the application for one, is fatal to discipline, as weakening the impression which a sentence promptly executed would effect. |
| *Col. Keate, Scots Fusilier Gds.* | Both the punishments referred to in the previous questions, are perfectly ineffectual as now carried into execution for preserving the discipline of the army. |
| *Lt.-Col. Carter, 1st Batt. 1st Foot*, (West Indies) | The *log* would be useful to prevent men breaking barrack to obtain liquor, and *stocks* should be introduced into every guard-house, to restrain turbulent drunkards. |
| *Lt.-Col. Wetherall, 2nd Batt. 1st Foot* | There should be a discretionary power vested in commanding officers, to enable them to avoid bringing men to Court-Martial. At present every offence of desertion must be brought before a District Court-Martial, which has a bad effect; for many very young soldiers, who scarcely know that desertion is a crime, are, from the most trifling causes, such as being laughed at, for awkwardness, being absent from tattoo, and afraid to return, tempted to desert. If these lads deliver themselves up after the period constituting desertion, they must go before a Court-Martial, which sentences them to hard labour in a prison where they acquire every sort of vice. |

| OFFICER'S NAME. | ANSWER. |
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| *Major Deuchar, Dep. 1st Foot* | Regimental Courts-Martial might fine for drunkenness. |
| *Captain Jackson, 2nd Foot,* (Bombay) | The commanding officer should have a discretionary power to fine for drunkenness; the amount of the fines to be applied to charitable purposes connected with the regiment. |
| *Lieut.-Col. Breton, 4th Foot,* (New South Wales) | Regrets the discontinuance of Company Courts-Martial, which, under proper restrictions, had an excellent effect. Recommends discharge from the service for men who have been tried a certain number of times, taking care the last punishment is a severe one. No man transported for seven years should be allowed to return to his regiment. Every barrack should have a defaulters' room. |
| *Lt.-Col. Sutherland, 5th Foot,* (Mediterranean) | The soldiers become more troublesome, litigious, and difficult to govern every day, and few commanding officers will be long able to perform their duties with satisfaction and credit to themselves, or benefit to their country, unless their hands be strengthened, and their powers extended for the punishment of minor offences. They should be empowered to send men to the cells, on bread and water, for seven days, and company officers should be empowered to order confinement to barracks for eight days, instead of three days, as at present. The powers of the Regimental Courts-Martial should be extended. |
| *Major Lord C. Wellesley, Dep. 5th Foot* | Does not know of any other mode of punishment than those now in use which could be applied with effect to the army. |
| *Lt.-Col. Farquharson, 7th Ft.* (Mediterranean) | (*See remarks on Corporal Punishment.*) |
| *Major Lord W. Thynne, Dep. 7th Foot* | None. |
| *Lt.-Col. Cathcart, 8th Foot,* (Jamaica) | No other than the fine detailed in a subsequent answer. |
| *Capt. Machen, Dep. 8th Foot* | Not aware of any other likely to be advantageously employed. |
| *Maj. Champain, Dep. 9th Ft.* | It would be of advantage, if in cases of habitual drunkenness, a board of officers could deprive a man of a portion of his pay, without reference to Court-Martial. |
| *Lieut.-Col. Freer, 10th Foot,* (Mediterranean) | Considers it essential that every regiment should have within its barracks a defaulters' room, to which commanding officers might sentence men for fourteen days. There should also be cells properly constructed, and a power granted to commanding officers to commit to those cells for a longer period than at present, to prevent the frequent recurrence of Courts-Martial. |
| *Major Allen, Dep. 10th Foot* | Suggests that all defaulters, when off duty, should be marched for three hours and a half into the country, under an officer, and at the rate of two miles and a half per hour, and at attention. |
| *Major Derinzy, 11th Foot,* (Mediterranean) | Recommends that every soldier *convicted* by Court-Martial, should forfeit pay from the day of his confinement, as his absence from his duty, which has fallen on his comrades, has been occasioned solely by his own misconduct. In detached stations, where a field-officer is in command, he should be empowered to try offences at once, sending the proceedings in cases of grave offence, to the General commanding for approval, but in simple cases confirming them himself on the spot. |
| *Lt.-Col. Bisshopp, Dep. 11th Foot* | Commanding officers should have power to punish minor offences with long confinement to barracks, and occasional drill, the men being effective for parades and duties. |
| *Lt.-Col. Turbervill, 12th Foot* | Delinquents confined in black hole by commanding officer, should get nothing but bread and water. |
| *Lieut.-Col. Sale, 13th Foot,* (Bengal) | None. |
| *Lt.-Col. Everard, 14th Foot* | With a view to supersede the necessity of frequent Courts-Martial, he recommends that commanding officers should have the powers of a magistrate in punishing crimes and misdemeanors; but if that be too great an authority to intrust them with, the periods of confinement which they now are authorized to inflict, should be doubled or trebled, and that it should not be imperative upon them to name the period for which the man is confined, leaving that to be determined by his conduct while in prison. All attempts at imprisonment must be abortive, until proper places for coercion and control are erected in every barrack. |
| *Lt.-Col. Horton, 15th Foot,* (Canada) | The present modes of punishment sufficient to maintain discipline. Cannot suggest, however, any remedy to prevent drunkenness. |
| *Major Drought, Dep. 15th Ft.* | The defaulters' room of the greatest importance in maintaining discipline, but the commanding officer should have a discretionary power of confining a man there for even fourteen days; the men to attend all parades in complete marching order, and paraded three or four times a day in the same order, to have their necessaries inspected, and to be exercised in all sorts of drill. |
| *Lt.-Col. Campbell, 16th Foot,* (Bengal) | The powers of the commanding officers should be more extended. Before the Commander-in-chief's circular of 24th June, 1830, they were authorized to inflict eight days in the *congee* house, and thirty days defaulters' room, which had a beneficial effect. In India, where the barracks are not surrounded by walls, confinement to barracks cannot be carried into effect. |
| *Lt.-Col. Despard, 17th Foot,* (New South Wales) | He considers that these punishments may be extended, and rendered much more efficient; confinement to barracks is a good punishment for a minor offence, and that, and debarring from the canteen, might be beneficially applied to the men of bad character; but the barrack-walls are too low to make the punishment effectual. |
| *Col. Burrell, 18th Foot* | Cannot suggest any mode of punishment in addition to those already employed. |
| *Lieut.-Col. Hardy, 19th Foot,* (West Indies) | The inefficiency of places of confinement render the present punishments at times unavailing; but, including corporal punishment, they appear, when properly administered, sufficient. |
| *Major Raper, Dep. 19th Foot* | Culprits sentenced to solitary confinement, should be obliged to take exercise for two or three hours a day, in marching order, under the charge of a sentry, and debarred all communication with their comrades. They should also be exposed, with their coats turned, in front of all regimental parades. |
| *Lieut.-Col. Leahy, 21st Foot,* (New South Wales) | All men under forfeiture of pay or beer-money should wear a distinguishing mark placed on one of their arms, such as the letters H. D. (habitual drunkard.) |

| OFFICER'S NAME. | ANSWER. |
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| *Capt. Keappock, 22nd Foot,* (Jamaica) | The commanding officer, or a Regimental Court-Martial, should be empowered to inflict a higher fine than a regimental court can now award. A man should be deprived of one-half of his pay for the day of the offence if drunk on duty, or parade. |
| *Major Pennefather, Dep. 22nd Foot* | Suggests general service in preference to transportation. Has reason to believe that a sentence of transportation for seven years from the West Indies to the hulks at Bermuda, has been hailed as a boon rather than regarded as a punishment. Thinks there would be good effects resulting from a company's being made answerable for the conduct of its members. |
| *Lt.-Col. Harrison, 23rd Foot,* (Gibraltar) | *Stocks* would be useful in a barrack-yard, for the restraint of riotous and insubordinate men. There should be a greater facility given for the discharge of incorrigible men, as the removal of these characters would have the best effect in showing the good soldier that his profession is held to be an honourable one. |
| *Major Ross, Dep. 23rd Foot* | An increased stoppage of pay for drunkenness would be beneficial. |
| *Col. Tidy, 24th Ft.* (Canada) | The commanding officer might be empowered to stop (say the half) of a soldier's pay, from one to seven days, for certain offences, without Court-Martial. |
| *Major Kelly, Dep. 24th Foot.* | No. (*See remarks on Corporal Punishment.*) |
| *Major Young, 25th Foot,* (Demerara) | None, excepting the system of American prisons, where the prisoners at work are prevented communicating with each other when at work, and, when that is over, are separately locked up. |
| *Maj. Priestley, Dep. 25th Foot* | Cannot suggest any other general mode than that of fines alluded to in a subsequent answer. |
| *Lt.-Col. Oglander, 26th Foot,* (Bengal) | Confinement in defaulters' room should be extended from seven to fourteen days; solitary confinement in the black hole or cells, to seventy-two hours. The effect of ardent spirits in a hot climate is such, that, in less time than that proposed, a soldier confined for drunkenness will not have recovered from the languor of mind and body resulting therefrom. Extra guards and picquets should be introduced for slight neglect of duty. A general arrangement of the men, according to characters, dividing them into six classes—unexceptionable, very good, good; and indifferent, bad, very bad; certain privileges attaching to the three first, and certain incapacities to the three last. On the third or fourth trial for habitual drunkenness, forfeiture of pension should be awarded, but the forfeiture might be cancelled, after three years' unexceptionable conduct. The present rates of pension, as fixed by warrant of 1833, are infinitely too low. The pension for disability cannot be looked forward to with hope; discharges by indulgence on service-pensions after twenty-five years are therefore alone calculated to exert a moral influence, and their maximum is now 6*d.* for a private, 8*d.* for a corporal, and 10*d.* for a serjeant. This pittance can offer no inducement to good conduct; it might be adopted as a punishment for a soldier who could not obtain a certain rate of character; but it will be in vain at present to attempt to excite the soldier's emulation, that his pension is to be earned by his good conduct, for the soldiers can calculate as well as their superiors, and can appreciate the real value of the offer made to them. |
| *Lt.-Col. Hare, 27th Foot* | An extension of the powers of commanding officers to enable them to confine offenders in a cell from one to four days, their pay beyond the subsistence being forfeited. |
| *Major French, 28th Foot* | Cells should be constructed in every barrack, and placed under the charge of a provost marshal. All men should be confined for drunkenness from one to seven days, paying a fine of 1*s.* to the provost. |
| *Lt.-Col. Simpson, 29th Foot,* (Mauritius) | Is not able to suggest any other description of punishments than those now in use. |
| *Major Walter, Dep. 29th Foot* | No other mode has suggested itself. |
| *Lt.-Col. Robinson, 30th Foot,* (Bermuda) | New modes of punishment are not required, but the means of carrying into effect those at present in use. In few places are there suitable cells for solitary confinement, and an especial defect exists in all guard houses; no separate room exists for prisoners, so that they and the guard are all together. There ought to be a place for prisoners, and cells for violent or drunken men, and, in addition to a defaulters' room, there should be a room with the usual barrack accommodation, but with a separate yard inclosed with high walls, where incorrigible offenders might be kept separate. |
| *Maj. Ormond, Dep. 30th Foot* | A colonial corps for deserters should be established. At present the punishment for this offence (being on discharge) is too remote to have any effect. |
| *Maj. Bolton, 31st Ft.* (Bengal) | Highly approves of the congee house, to which commanding officers can sentence for seven days, as superseding the necessity of frequent corporal punishment. |
| *Major Wingfield, 32nd Foot,* (Canada) | Every kind of punishment appears to have been tried in turn, and none with much better effect than those now in use would be likely to have, after some modifications. |
| *Major Palk, Dep. 32nd Foot* | Condemned corps might be established to receive the worst characters. Conspicuous marking as now practised for aggravated cases of desertion might be extended to other crimes. No punishment is more generally dreaded than this. Every kind of punishment, to be an example, must be made as severe as possible. |
| *Lieut.-Col. Knight, 33rd Foot* | It would be very desirable if some punishment could be introduced which, by the example held forth, would deter others from the commission of crime. |
| *Lieut.-Col. Fane, 34th Foot,* (New Brunswick) | The forty-eight hours' black hole is much dreaded by defaulters. That power should be doubled or trebled to the commanding officer. |
| *Capt. Brisbane, Dep. 34th Ft.* | None, except loss of pay. |
| *Lt.-Col. Goldie, 35th Foot* | No; with the exception of what is stated in answer to the next question. |
| *Major Cairnes, 36th Foot* (West Indies) | None. |
| *Capt. Hare, Dep. 36th Foot* | Of punishment none. Suggests encouragement for good conduct. (*See General Observations*). |
| *Major Manners, 37th Foot,* (Jamaica) | Commanding officers should be invested with more power to punish without resorting to Courts-Martial. |
| *Major Kell, Dep. 37th Foot* | Confinement to barracks, and attendance at all recruit drills and parades in heavy marching order. |
| *Major Jebb, 40th Ft.* (Bombay) | It would be desirable if a mode could be adopted of getting rid of men of bad character. |

| OFFICER'S NAME. | ANSWER. |
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| | The same set of men are very generally under punishment. Regimental Courts-Martial should have more power, particularly as to stopping pay. |
| *Col. Sir E. K. Williams*, 41*st Foot* (Madras) | Approves of the defaulters' or dry room, which is much used in India; and has known men apply to be sent there to avoid habits of intoxication. |
| *Lt.-Col. Sir C. Gordon*, 42*nd Foot*, (Mediterranean) | If commanding officers had, as formerly, the power of confining men in the cells for six, or even three days, such men to forfeit their pay during the period of confinement, it would have a good effect. |
| *Maj. Johnstone, Dep.* 42*nd Ft.* | Defaulters to be sent to defaulters' room, at discretion of commanding officer, for seven or fourteen days, and to be messed separately; to be drilled in marching order for two hours in the morning, and two in the afternoon in summer, and for one and a half hour in the morning, and the same in the afternoon in the winter, and for two hours in parade order in winter and summer. Good men not to be classed with defaulters. No man to be confined to barracks for more than a month. |
| *Lieut.-Col. Booth*, 43*rd Foot* | Recommends stoppage of pay to the amount of 3*d.* or 4*d.* a-day for repeated absence without leave. Men now frequently absent themselves all night when drinking, to escape a record in defaulters' book. |
| *Col. Elrington*, 47*th Foot*, (Gibraltar) | The power of commanding officers should be increased to enable them to confine for a month to defaulters' room instead of seven days. Punishment by drill has a good effect, but there should be a drill-room attached to each infantry barrack, as there is a riding-school to cavalry barracks. |
| *Maj. Sadleir, Dep.* 47*th Foot* | When men have been frequently tried and found to be incorrigible, branding and discharging would be a more humane treatment than some others, and would remove the example of frequent vicious habits being exhibited which had already proved too obstinate to be overcome by the usages of the service. |
| *Lt.-Col. Bell*, 48*th Foot* | Suggests the discharge without pension of the irreclaimably bad, who being over age, or bearing the marks of punishment, could not enlist into other regiments. |
| *Lt.-Col. Bartley*, 49*th Foot*, (Bengal) | Depriving a soldier of a portion of his pay is one of the most advisable punishments, and should be enforced for drunkenness and all irregularities for which no specific punishment is now awarded. |
| *Lt.-Col. Wodehouse*, 50*th Ft.* | Proposes that the commanding officer should have the power, which is now vested in a District Court Martial, of stopping pay or liquor money for the crime of drunkenness. |
| *Maj. Ryan, Detach.* 50*th Foot* | As it has been ascertained that the present system has failed in reforming many, he proposes that incorrigible men, of whom there are a few in every regiment, should, by District Court-Martial, be placed under stoppages until the bounty for a recruit has accumulated, when they shall be branded and discharged with ignominy. It would be beneficial to introduce some change in the system of District Courts-Martial, so that they might be more speedily assembled, and punishment more promptly follow crime. |
| *Major St. John*, 52*nd Foot* | Fines, and a greater facility for discharging with ignominy those incorrigible men who are a disgrace to the corps. But the greatest improvement would be to invest commanding officers, and Regimental Courts-Martial, with power to deal summarily with offences, so as to inflict punishment while the crime was fresh in the minds of the soldiers. |
| *Capt. Considine*, 52*nd Foot* | Recommends that infamous, irreclaimable characters, thieves, and men whose time is principally spent in prisons, should be branded and discharged. |
| *Lt.-Col. Considine*, 53*rd Foot*, (Mediterranean) | A few bad men in a corps corrupt many others, and if these could be got rid of, there would be few or no crimes. Recommends that bad and incorrigible men should be branded and discharged; and that the commanding officer even should have the power of discharging an incorrigible drunkard, with ignominy. It would also be very beneficial if Regimental Courts-Martial were allowed to try many of the crimes which are now tried by Garrison or District Courts-Martial. |
| *Maj. Butler, Dep.* 53*rd Foot* | During a long confinement to barracks, defaulters should be put on guard every fourth day, giving them only two nights in bed. Incorrigible offenders should be branded and discharged. For petty thieving and dirtiness on parade, a young soldier might be handed over to his comrades for punishment, who, by non-communication, would inflict a severe penalty. |
| *Lt.-Col. Craigie*, 55*th Foot*, (Madras) | Recommends the combination of the two punishments. |
| *Lt.-Col. Prichard*, 56*th Foot*, (Jamaica) | Solitary confinement is the most effectual punishment for all crimes, except mutiny and insubordination, where prompt and immediate example is necessary. |
| *Major Eden, Dep.* 56*th Foot* | A spare room for defaulters, in which they might be locked up in charge of a non-commissioned officer. Marching defaulters a considerable distance in heavy marching order. A system of punishing and disgracing a man for making away with necessaries, was beneficially adopted at the Mauritius, by compelling him to wear, except when on duty, a coarse dress made of sacking. |
| *Col. Clifford*, 58*th Ft.* (Ceylon) | None, except as before suggested, in answers to previous questions. |
| *Major Ricketts, Dep.* 58*th Ft.* | None. |
| *Lieut.-Col. Fuller*, 59*th Foot*, (Gibraltar) | None. |
| *Major Gordon, Dep.* 59*th Ft.* | Would suggest that for drunkenness, every defaulter sentenced by the commanding officer to drill, should forfeit, during the period under sentence, a portion of his pay, say one-third. Married men are seldom defaulters, and the unmarried are frequently led into irregularities by having a greater command of money. |
| *Lt.-Col. Bunbury*, 2*nd Batt.* 60*th Foot*, (Mediterranean) | Crimes in general are committed by a few only in each corps, and it would be advantageous if incorrigible characters were branded and discharged with ignominy. Commanding officers should have power to discharge an incorrigible drunkard with ignominy after a certain number of trials. |
| *Major Trevylyan, Depôt*, 1*st Batt.* 60*th Foot* | No. |
| *Lt.-Col. Ellis*, 2*nd Batt.* 60*th Foot* | Commanding officers should be empowered to place a delinquent in the cells for any period not exceeding seven days. The log, or a twenty-four pound shot might be attached to the leg for breaking out of barracks. A soldier in defaulters' room should be messed at the |

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| | full rate of 4*s.* 11½*d.* a-week to prevent the accumulation of any pay. The powers of Regimental Courts-Martial are too limited. The beer money, which is a gift to the soldier, might be stopped by commanding officers for irregular conduct. Greater facility should be afforded for getting rid of incorrigible characters. |
| *Col. Darley*, 61*st Ft.* (Ceylon) | None, but proper cells for carrying into effect solitary confinement, and the means for inflicting hard labour. |
| *Major Forbes, Dep.* 61*st Foot* | A repetition of the same punishment upon the same individual lessens the effect. Proposes that Regimental Courts-Martial, except on board ship, should be restricted to the power of awarding solitary confinement only, but would increase the present period. That for a second offence a District Court-Martial should be resorted to, which should inflict hard labour. For a third offence, a General Court-Martial should be summoned, and it should be imperative upon that Court to award corporal punishment. For a fourth conviction, before a General Court-Martial, of course, ignominious discharge should follow, and the man should be led in chains from his barrack to a hulk, and there kept to hard labour with a label painted on his jacket, "A Degraded Soldier." |
| *Lt.-Col. Fairtlough*, 63*rd Ft.* (Madras) . . . . . | The system of employing soldiers sentenced to hard labour in breaking stones, and repairing the barrack yard, has answered well. |
| *Lt.-Col. Kirkwood*, 64*th Foot* (Jamica) . . . . . | Recommends that a defaulters' room well regulated, and pack drill, should be established as internal punishments. They would tend considerably to the maintenance of discipline without resorting (except for very serious cases) to more severe punishment. |
| *Major Freeth, Depôt*, 64*th Ft.* | Can suggest none in addition to the usual punishments, viz., for minor offences drills, extra duties, confinement to barracks, defaulters' room, &c. (*See also Remarks on Corporal Punishment.*) |
| *Major Farquharson*, 65*th Foot*, (West Indies) . . . . . | It would greatly tend to promote discipline, and diminish the number of Courts-Martial, if more discretion were given to commanding officers to inflict confinement to defaulters' room, drills, &c. Discharge with ignominy is the best and only permanent mode of maintaining good discipline, and justly treating men of incorrigible habits. |
| *Major Walker, Depôt*, 65*th Ft.* | Thinks that the power of commanding officers should be extended as to the period for which they may award solitary confinement. |
| *Col. Nicol*, 66*th Ft.* (Canada) | If military prisons were established, and means afforded of carrying solitary confinement effectually into execution, that punishment would in a short period supersede almost all others. |
| *Major Daniell, Dep.* 66*th Ft.* | None. |
| *Major Brooke*, 67*th Ft.* (West Indies) . . . . . | Considers the present punishments sufficient for all purposes, and the powers vested in commanding officers sufficient, if duly administered, to prevent recurrence of crime. |
| *Maj. Johnstone, Dep.* 67*th Ft.* | No, provided the present are properly enforced. In Ireland even marching order drill, common drill, or confinement to barracks, cannot, except at head-quarters, be properly carried into effect. There is a want of non-commissioned officers at the depôts; and there should be in all corps an additional staff serjeant to act as provost. |
| *Lieut.-Col. Cross*, 68*th Foot*, (Gibraltar) . . . . . | If the punishments now in force were more rigidly carried into execution, they would produce a much better effect. |
| *Major Lord W. Paulett, Dep.* 68*th Foot* . . . . . | No, unless—(*See Remarks on Corporal Punishment.*) |
| *Major Brookes*, 69*th Ft.* (West Indies) . . . . . | Fines might be beneficially applied; and much good would result from an increased facility of dismissing incorrigible characters from the service. |
| *Maj. Monins, Dep.* 69*th Foot* | Captains and officers commanding companies should have the power to punish minor offences without reference to the commanding officer. The present system brings the commanding officer too frequently in contact with the private, and the soldiers pay less respect to their company officers, from the knowledge that they have little or no authority to award punishment. |
| *Col. Evans*, 70*th Foot*, (Gibraltar) . . . . . | That which most militates against good order, is the difficulty of getting rid of depraved, irreclaimable characters. Suggests the establishment of a servile corps, say of four gangs of forty men each, not to be officered, but to have a proportion of superintendents taken from retired non-commissioned officers. These men to be employed in demi-gangs on the most inhospitable stations, to be restricted to menial work, and receive but a bare subsistence. |
| *Major Kelsall, Depot*, 70*th Ft.* | Strongly recommends that men of decidedly bad character should be sent to serve abroad, in places where a severer discipline could be enforced, on a lower rate of pay, and kept at labour; they might then be possibly reclaimed. But at all events great advantage would result from removing the contagion of bad example, and doing away the necessity of frequent severe punishments. |
| *Lieut.-Col. Peddie*, 72*nd Foot*, (Cape of Good Hope) . . | Strongly recommends that a commanding officer be allowed a discretionary power in regard to the following punishments, viz.; first, confinement to barracks; second, exclusion from canteen; third, attendance on all punishment or instruction drills and parades; fourth, all fatigue duties within barracks; fifth, to fall in for inspection whenever defaulters' bugle shall sound; sixth, to fall in with inlying picquet until warning taptoo bugle sounds, and then attend roll-call in defaulters' room; seventh, to march out in heavy marching order at reveillée beating. |
| *Major Hall, Dep.* 72*nd Foot* . | Recommends forfeiture of portions of service for other offences than desertion. Regimental Courts-Martial should be authorized to award loss of from six to twelve months' benefit of service as to additional pay and pension; superior courts, from one to three years' loss of service. This would be analogous to what is now a legal award with respect to officers of the army and navy, who are often sentenced to loss of service by being placed at the bottom of the list. |
| *Major Lloyd*, 73*rd Foot*, (Mediterranean) . . . . . | It is essential that the soldier be made sensible of the difference between Courts-Martial and commanding officers in regard to severity of punishment and degree of crime. A Regimental Court-Martial should exceed in punishment what a commanding officer could award, and a Garrison, the Regimental Court. This once established, men would rather abide by what the commanding officer has ordered than request a trial. In the classification he proposes, he recommends that Regimental Courts should award confinement to keep, or |

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| | defaulters' room with a view to secure the efficiency of the culprit as a soldier, and not throw his duty on the well-behaved. He would refer the more serious offences to Garrison Courts-Martial, the punishments being graduated from one to two months' solitary confinement or corporal punishment, with the exception of desertion and disgraceful conduct, which might be dealt with according to Articles of War, and the less serious offences to Regimental Courts-Martial, the punishments of that court being graduated from twenty to forty days' hard labour in some cases, and in others from one to two months' confinement, to keep, between parades and other duties; stoppage for necessaries; and for drunkenness after being warned for duty, or on inlying picquet, a fine of 2*d.* a-day during confinement. Improvement is required in the defaulter books, so as to ensure uniformity of record in all regiments, which is not now the case. In the good conduct book, some check is requisite to prevent the entry of doubtful, if not indifferent characters, or good men will cease to value the entry of their names there. Commanding officers might be empowered to award as a punishment the moving of piles of shot of such a number as to occupy a man an hour, taking two at a time. This punishment might apply to any number of defaulters. Fines might be found beneficial, if inflicted summarily by commanding officers. For petty thefts he would recommend Company Courts-Martial. Suggests also a general scale of punishments to be applied by commanding officers. Is of opinion that the power of commanding officers of companies is too limited, and that they should be enabled to punish with confinement without constant reference to commanding officers; and proposes that the bad characters should be sent from the depôt to the service companies, as they tend to corrupt recruits. |
| *Maj. Hamilton, Dep.* 73*rd Ft.* | Suggests drills in heavy marching order for a few hours each day for slight offences. (*See also Remarks on Corporal Punishment.*) |
| *Lieut.-Col. Mein,* 74*th Foot,* (West Indies) . . . . | Suggests the discharge, with ignominy, of those characters whom frequent punishments will not reclaim. |
| *Major Crabbe, Depôt,* 74*th Ft.* | The constant recurrence of Courts-Martial has weakened that feeling of awe they used to inspire. The punishments in the power of the commanding officer are too limited. |
| *Lieut.-Col. England,* 75*th Ft.* (Cape of Good Hope) . . | Considers *all* the punishments now prescribed by the Mutiny Act and Articles of War essential in their various inflictions to the discipline of the army. |
| *Major Quill, Depôt,* 75*th Ft.* . | Forfeiture of service for a limited period, with confinement to barracks during terms of such forfeiture, might be awarded in lieu of imprisonment. The *log* was found efficacious. |
| *Major Clark,* 76*th Ft.* (West Indies) . . . . . | No. |
| *Maj. Hutchinson, Depôt,* 76*th Foot* . . . . . | Considers that the selling of necessaries may be effectually checked by having the man's name written in marking ink or black paint all over his shirts, socks, &c. If notwithstanding this he should make away with them, shirts of as good material, but parti-coloured, should be issued. The derision which the man would incur from his comrades, and consequent mortification, would, nearly invariably, prevent a recurrence of the offence. The pay of men in the defaulters' room should not be issued to themselves, but to the serjeant in charge, and there should be an evening mess for this room provided out of the surplus pay, the remainder might be expended in a proper proportion of malt liquor at dinner. The marching order drill should be a march of five or six miles into the country and back again. The whole of the pay of bad characters might for a month or two be laid out for them. And finally for petty thefts from comrades, &c., Company Courts-Martial might be advantageously sanctioned with very limited powers. A serjeant should preside, and four privates of more than seven years' standing, taken by ballot, should sit as members. The proceedings should be written and confirmed by the officer commanding the company, who should see the sentence properly executed. |
| *Lieut.-Col. Bradshaw,* 77*th Ft.* | None. |
| *Major Douglas,* 78*th Foot,* (Ceylon) . . . . . | No. (*See Remarks on Corporal Punishment.*) |
| *Major Adams, Dep.* 78*th Ft.* | Recommends that commanding officers be allowed to confine men in the black hole for four or five days, and feed them on bread and water, the prisoner continuing to pay to his messing, but receiving no benefit but half a pound of bread to make his daily allowance while in confinement one and a half pounds. This would save many Courts-Martial, and have more effect than a long and wearisome confinement to barracks. |
| *Lt.-Col. M'Dougall,* 79*th Ft.* (Canada) | The light in which transportation to Bermuda is viewed is not conducive to the prevention of those crimes for which it is inflicted. But advantages might result if the place, such as Sierra Leone, and the employment, were such as to inspire horror. The soldier has an idea that he may get released from Bermuda before the period of transportation has expired. An instance occurred where a man sentenced to transportation there for seven years obtained employment there as clerk, and returned to Canada in a few years exhibiting himself at the head-quarters of his regiment, and triumphing in his success at having so easily got his discharge. Suggests, instead, the formation of a punishment corps, of the worst characters, in one of the worst of the colonies. |
| *Maj. Ferguson, Dep.* 79*th Ft.* | When duty is light a defaulter might mount extra-guards. Where it is severe, a commanding officer might stop beer money for a month or two without Court-Martial; or if that power be objected to, it might be ordered by a board of officers taking evidence of a man's misconduct. |
| *Lt.-Col. Pitt,* 80*th Foot* . . | The prevailing crime of desertion is not decreasing, and some new legislative enactment seems necessary. The prospective penalty of forfeiture of additional pay and pension is too remote to influence the young soldier. He proposes, for first conviction, an immediate loss of a portion of pay, to be restored only on two years' subsequent good conduct; for second, pension might be forfeited, the letter D. inflicted, and if the man be of a general bad character, be sentenced to general service abroad. For third desertion, if corporal punishment be not applied, no less a penalty than death, or at least transportation or general service should be incurred. The powers of the commanding officers should be extended to enable them to award seven days' black hole. Drunkards should have a room to themselves, where they should have three meals a day, beer supplied in kind, and they should be excluded from the canteen. |

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| *Lt.-Col. Maclean*, 81*st Foot* | If the powers of the commanding officer were increased it would supersede the necessity of such frequent appeals to Courts-Martial. |
| *Lieut.-Col. Dundas*, 83*d Ft.* (Nova Scotia) | Is not aware of any other mode of punishment than those now in use, but thinks something might be done in creating an emulation among the men. (*See General Observations.*) |
| *Major Trydell, Dep.* 83*d Ft.* | Recommends the establishment of a separate mess for habitual drunkards, where the whole surplus pay might be expended. |
| *Major Nicholl, Dep.* 84*th Ft.* | The punishments now authorized, when properly put in force, appear fully adequate to uphold the discipline and good order of the army. |
| *Col. Warburton*, 85*th Foot* | In common cases the drill in heavy marching order answers well. |
| *Maj. Stuart*, 86*th Foot*, (West Indies) | Suggests that in any case of theft, or any disgraceful crime, the culprit should be ignominiously expelled the service. (*See remarks on Corporal Punishment.*) |
| *Capt. Creagh, Dep.* 86*th Foot.* | Sixpence a day at present allowed for the subsistence of men in solitary confinement is too much. From the commitment of crime, to the culprit's return to duty, no pay should be granted. He should be clothed in a prison dress and subsisted by the public, subject however to stoppages on returning to duty, to refund what has been expended on him. As it is an object to limit the duration of confinement as much as possible, a greater degree of strictness and even severity, combined with a total deprivation of pay and service during the confinement and absence from duty, would be desirable to attain that end. |
| *Lt.-Col. Streatfeild*, 87*th Ft.* (Mauritius) | Proposes a system of rewards. (*See General Observations.*) |
| *Capt. Doyle, Dep.* 87*th Foot* | Does not think any other modes of punishment than those now in use requisite so long as the soldier feels that the power of awarding corporal punishment is in the hands of his officers. The punishments in use in most foreign armies are too degrading for a British soldier. |
| *Col. O'Malley*, 88*th Foot*, (Mediterranean) | Commanding officers should have the power to confine men to the black hole for six or more days. It would obviate the necessity of Courts-Martial, the frequency of which destroys that dread which it is desirable the soldier should feel for these tribunals. The commanding officer should also have power to inflict fines of 1*s.* for first offence, 2*s.* for second, and 3*s.* for third act of drunkenness, in addition to drill. For the fourth offence it should be imperative to send the case before Court-Martial. Recommends the establishment of a defaulters' room in every barrack, commanding officer having power to award punishment of fourteen days there. Turning the coats of notorious offenders, and applying the *log*, has had good effect. Habitual drunkenness should be tried by regimental courts, but their power should be increased. Is of opinion that crime generally, and drunkenness, have not increased in the army, and that drunkenness would be still more diminished if all offences were noted, with a view to the course prescribed by the fifty-first Article of War being followed in all cases. Incorrigible offenders should be discharged from the service. |
| *Major O'Hara, Dep.* 88*th Ft.* | Proposes the discharge of incorrigible men, and that they should be marked. "We are obliged to take unprincipled men, sometimes the refuse of society, into the service, and we require strong powers to coerce them." There are many men of infamous character now serving who have been in the army for a considerable time, and who calculate ultimately on pensions. If a few of these were discharged it would deter many old delinquents from crime. For breaking out of barracks he proposes that a round shot be attached to the leg. |
| *Lt.-Col. Jones*, 89*th Foot* | A wheel or treadmill applicable to useful purposes should be established at all principal military posts, both at home and abroad. Fines to a certain extent, without resorting to Courts-Martial, might be beneficial, particularly in cases of simple drunkenness. |
| *Lt.-Col. Arbuthnot*, 90*th Ft.* | A great change has taken place in the discipline of the Army, and a great want of the feeling of respect towards officers by the soldier. This arises in a great measure from district Courts-Martial superseding the old powers of the regimental officers. More power should be given to regimental courts, and more discretion to commanding officers whether they will bring a man to trial or not. It should be discretionary, and not imperative with him, to try a man for habitual drunkenness. Commanding officers should also have the power of awarding eight days' solitary confinement without Court-Martial. Drunkenness on duty is ordered to be tried by district Court-Martial; the consequence is, that, through the necessary delay in assembling this court, the benefit of example, by speedy punishment, is lost. |
| *Lt.-Col. Anderson*, 91*st Ft.* | All prisoners should be subsisted at the rate of sixpence a day, whether punished by Court-Martial or otherwise, the surplus of their pay to be withheld; but if acquitted and not otherwise punished, and not recorded, the surplus to be refunded to them. No marching money should be allowed to defaulters, nor to any soldier who was not present at the end of the march, except in case of sickness or leave. |
| *Lt.-Col. M'Donald*, 92*d Ft.* (Gibraltar) | Discharge with ignominy is a greater punishment to many than transportation; but such men should be branded with the letter B for bad or some such mark, as deserters are now with a D. Until commanding officers have the power of discharging incorrigible men, no regiment can be what all in the British service should be in time of peace. One bad man may in time corrupt a regiment. |
| *Maj. Winchester, Dep.* 92*d Ft.* | Refers to his answers to the two succeeding questions. |
| *Lt.-Col. M'Gregor*, 93*d Ft.* | Found heavy marching drill the most efficacious punishment he could resort to, even in the West Indies. So dreadful was it felt that men not only expressed a preference for flogging, but have deliberately refused to attend it, in the hope that a Court-Martial would award some other punishment. It combines the severity of hard labour with a due regard to the soldierly habits of the offender, while at the same time, in his incessant and silent pacing from side to side of the barrack-yard, he serves as a warning to his comrades, and is constantly reminded of the annoyance of his own deprivation of liberty. The lieutenant-colonel felt at first considerable uneasiness as to the effects of such a punishment in a tropical climate, but after watching it is enabled to declare that the men at marching drill were the healthiest in the battalion. It would be extremely beneficial to make this a legal punishment, which Courts-Martial might substitute for hard labour. At home it might be extended to six, seven, and eight hours a day, absolute silence being preserved. It is essentially necessary that a room should be set apart for defaulters in every barrack, entirely separated from the other rooms, with separate conveniences, so as to ensure the absolute |

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| | abstinence of defaulters from any drink stronger than water. When barracks are unenclosed, as is mostly the case abroad, confinement to barracks should not be resorted to, as it unnecessarily exposes the defaulter to a temptation which may involve him in a more aggravated offence, viz., breaking out of barracks. |
| *Lt.-Col. Paty, 94th Foot* | Recommends that commanding officer should be allowed to send a man to the defaulters' room, or to the black hole, for a longer period than at present, or to fine him a portion of his pay for a week or ten days. It would also be desirable that the whole of a man's mess money, viz. four shillings and elevenpence half-penny a week, should be expended. |
| *Major Milner, Dep. 94th Ft.* | For minor and first offences, confinement to barracks and extra drill have answered every purpose. He cannot suggest any other punishment than those already authorized. |
| *Lt.-Col. Campbell, 95th Foot* | Recommends that commanding officers should have the power, without Courts-Martial, of stopping a man's beer money, in all cases of drunkenness, from one to six weeks; or also that he, or a board of three officers, should have the power to impose a fine of 10*s.* for certain crimes, particularly drunkenness. |
| *Maj. Wrottesley, Dep. 95th Ft.* | Greater facility should be given to separate the hardened offender and habitual drunkard from men of good character, by affixing such a stigma upon men of disgraceful habits as would prevent the well-disposed from associatingwith them. Discretionary power should be given to commanding officers to inflict solitary confinement for a limited period, either with or without drill. All incorrigible blackguards should be discharged with ignominy and sent to the colonies. Repeated cases of desertion should be punished by transportation and labour as convicts. |
| *Lt.-Col. Cairncross, 96th Ft.* (Nova Scotia) | Having found the good effects resulting from the operation of the fifty-third Article of War, he suggests that regimental Courts-Martial should be empowered to fine a culprit one penny a day to the extent of six months. Proposes to invest commanding officers with a power to restore the beer or liquor money after six months' good conduct. |
| *Maj. Hill, Dep. 96th Foot* | Considers the present punishments, if more rigidly enforced, quite sufficient to maintain discipline and good order. |
| *Col. Hamilton, 97th Foot,* (Ceylon) | Assuming corporal punishment to be abolished, or nearly so, he recommends solitary confinement, combined with hard labour, as the chief punishment for all crimes not capital. The period to be three months. The culprits for what are considered the worst crimes, to be liable to that punishment, upon conviction before a general Court-Martial or district Court-Martial, besides forfeiture of pay as at present. The commanding officer to have a discretionary power of appealing to a regimental court, according to the character of the individual, this court being empowered to award confinement to half the extent only allowed to the superior courts. As almost all the crimes are committed by the same individuals, a district court to have power to discharge with ignominy incorrigible offenders, first branding the men on some conspicuous part of their bodies; the expense of a recruit being paid out of the pay the irreclaimable man had previously forfeited. Commanding officer to have power to inflict solitary confinement for four days, and twenty days in defaulters' room. Recommends the addition of three serjeants to each regiment with the pay of colour-serjeants, to be employed in superintending the prisons he proposes for each barrack. |
| *Capt. Smith, Dep. 97th Foot* | None, beyond a reduction of the allowance for subsistence to 3*d.* a day for prisoners under sentence of Court-Martial. Has ascertained that men would rather undergo twenty days' solitary confinement according to the present system than fourteen days' marching order drill on the principle adopted at this depôt. |
| *Lt.-Col. M'Caskill, 98th Foot,* (Cape of Good Hope) | The modes now in use, judiciously applied, ought to effect as much as can well be expected, considering the composition of the Army, so mixed and so difficult of management. |
| *Maj. Le Marchant, Dep. 98th Foot* | The introduction of treadmills in large garrisons, or in central situations, under the direction of military men, would be of advantage. Suggests ten hours' labour daily in perfect silence, as observed in the American prisons; at night to be locked up in separate cells, without beds, and most strictly denied all communication with their friends and families. The ration of meat to be withheld. The chief disadvantage in prison discipline is that it removes the culprit from the sight of his comrades; this might be obviated by marching defaulters once a week to the spot, when opportunities offer, and subjecting them for four hours to the discipline. |
| *Lt.-Col. Johnstone, 99th Foot,* (Mauritius) | Recommends fines, and refers to his answer to the question on this subject. |
| *Maj. Macpherson, Dep. 99th Foot* | Knapsack drill and confinement to barracks, if strictly enforced, would check the most prevalent crime among young soldiers, viz., absenting themselves from quarters. But barrack walls are generally so low that they can be easily scaled; commanding officers or Regimental Courts-Martial should therefore have the power of confining, during the night, men sentenced to a knapsack drill, in a strong room. Discipline and good order are very much affected by invalids from the service companies. These men are in many instances confirmed drunkards, and corrupt young soldiers. |
| *Maj. Hope, 1st Batt. Rif. Br.* (Nova Scotia) | Culprits under sentence of confinement should be made to take all their duties while under punishment. The powers of regimental courts and commanding officers are too limited. Confinement to barracks, with a log or shot attached to the leg, would be useful in maintaining good order. |
| *Lt.-Col. Eeles, Dep. 1st Batt. Rif. Brig.* | Company Courts-Martial would be attended with great benefit. These courts were composed of a serjeant as president, and four privates as members. The proceedings were confirmed by the captain of the company, and the sentence, punishment with the sling of the rifle, carried into effect in the presence of the officers of the company, after the consent and approval of the commanding officer had been obtained. They were discontinued in consequence of their not having been authorized by the Articles of War. |
| *Col. Brown, 2nd Batt. Rif. Br.* (Mediterranean) | None whatever. One of the greatest inconveniences now felt is the frequency of Courts-Martial; not that there is any increase of crime in the army but that commanding officers have not the power they had of checking minor offences. They should be armed with the authority of confining men in a summary way for minor offences for a period not exceeding eight or ten days. By these means many Courts-Martials might be prevented and many men reclaimed without having to undergo the disgrace of a public trial or public imprisonment. |

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| *Capt. Gosset, Dep. 2nd Batt. Rifle Brigade* . . . . | Suggests that absence without leave, which is frequently resorted to to evade a record for drunkenness, should be punished precisely in the same way, and that if a man be four times absent in a year he should be liable to the same punishment as for habitual drunkenness. |
| *Lieut.-Col. Doherty, 1st West India Reg.* (West Indies) . | Discipline and good order would be materially advanced by discharging every man of bad character in the army. He has long considered it a mistake that to discharge bad men is holding out an encouragement to behave ill. The measure would soon be found to have the contrary effect. The soldier enjoys many advantages, his situation is one of comparative comfort; all that is necessary is to make him feel that he is also respectable. To this end, the late pension warrant should be rescinded, and no man should be enlisted who cannot produce certificate of character. "It may be worth while to consider whether the facility of finding refuge in the ranks of the army does not lead to the commission of crime in civil life." |
| *Lt.-Col. Nicolls, 2nd W. Ind. Reg.* (West Indies) . . | Suggests more frequent stoppages of pay and the *log*, the latter to be applied for petty thefts and breaking out of barracks. |
| *Major Fletcher, Ceylon Reg.* (Ceylon) . . . . . | No other mode of punishment has suggested itself beyond those at present in use. |
| *Maj. Burney, Cape Riflemen,* (Cape of Good Hope) . . | None. |
| *Major de Piro, Malta Fenc.* (Malta) . . . . . | None; but corporal punishment for more crimes than is sanctioned by the present practice of the army, but not to a greater extent. |
| *Major Du Bourdieu, Provis. Batt.* . . . . . | Much can be done by secondary punishments judiciously inflicted; and for minor offences punishment should follow immediately. |
| *Lt.-Col. Brunton, 13th Light Dragoons,* (Madras) . . | The necessity of resorting to severer punishments might be in a great measure obviated, and much crime, now considered of a grave character, suppressed by the revival of Troop or Company Courts-Martial under authority. Their proceedings to be submitted to officer commanding the troop for approval, and their sentences to be limited to punishments of a light nature, including, however, a corporal punishment with a stirrup leather or canteen strap. This kind of trial might even be extended to grave offences, such as selling necessaries. A *log* or shot to the leg had in former times much effect. |
| *Lieut.-Col. Dennis, 3d Foot,* (Bengal) . . . . . | Recommends fines for drunkenness, the power of inflicting them to rest with the commanding officer alone; and also increasing the awards of Courts-Martial for every conviction. |
| *Lt.-Col. Custance, 9th Foot,* (Mauritius) . . . . . | The period in the defaulters' room, might be extended to a month, and, with a well-conducted heavy drill, is a good punishment. |
| *Lieut.-Col. Green, 20th Foot,* (Bombay) . . . . . | Approves of the system under which habitual drunkards are fined; but as this can only be done by Courts-Martial, the frequency of these tribunals has diminished the respect and awe in which they should be held. Suggests, therefore, that a board of three officers should investigate and decide all cases of habitual drunkenness, without the formality of a Court-Martial. |
| *Lieut.-Col. Piper, 38th Foot,* (Bengal) . . . . . | Suggests that a Regimental Court-Martial be empowered to deduct a portion of service in the reckoning to additional pay and pension on discharge; and that the commanding officer should have more latitude in awarding punishment without being compelled to resort to Courts-Martial. |
| *Maj. Poole, 39th Ft.* (Madras) | Suggests a moderate application of the log. This punishment had most beneficial results upon men who little regarded the proceedings of a Regimental Court-Martial. This description of punishment, is the hands of a judicious officer, would be much more dreaded by the soldiers than a limited time of confinement. |
| *Lieut.-Col. Boys, 45th Foot,* (Madras) . . . . . | The present powers of a commanding officer are too limited, in respect to punishment, to be of any use in the prevention of crime of a higher class, and he has no doubt that if it were in that officer's power to order a much longer period of confinement in the cells, the service would be benefited, and crimes of a serious nature become less frequent in their occurrence. |
| *Lieut.-Col. Fane, 54th Foot,* (Madras) . . . . . | The soldiers have a greater dislike to forfeit any part of their pay than any punishment a Court-Martial can award. The powers of a Regimental Court-Martial should be extended so that they might award forfeiture of 1*d.* per day for three months instead of one month. |
| *Maj. Hunt, 57th Ft.* (Madras) | Recommends that the vicious and incorrigible vagabonds should be discharged with ignominy. |
| *Major Cramer, 62nd Foot,* (Madras) . . . . . | Strongly recommends the *log*, and states that he has seen formerly the most beneficial results from it, even on some hardened offenders upon whom the dread of the halberds or solitary confinement had failed in producing any effect. |
| *Major Pritchard, 71st Foot* . | The instructions contained in the Horse Guards' circular letter of 24th June, 1830, if acted upon in the spirit in which they have been given, possess everything necessary to maintain discipline and good order in the army, as well as to promote the happiness and well-being of the service. He can suggest no other mode of punishment, but is assured that encouragement for meritorious and unblameable conduct would be attended with the greatest advantage. The great objection to rewards and punishments, as at present established, is that they leave no permanent impression. If the punishment be imprisonment, the sentence is read, the man marched off, and both forgotten until he returns in some months, a little thinner perhaps, but not improved. The man offends again and again, and is at last worse than at first. All men returning from imprisonment should be obliged to make up their duty, by mounting guard for men of unexceptionable conduct. The present system of rewards by gratuity is equally objectionable; the order awarding the gratuity is read, the man discharged, and both soon forgotten. The good-conduct book is very well as a reference for promotion, but it may be doubted whether it is so faithful a record of good conduct as a defaulters' book is a fearful record of bad conduct. Suggests medals. (*See General Observations.*) |

Are you enabled to suggest any means of restraining or eradicating the propensity to Drunkenness so prevalent among the Soldiery, and confessedly the parent of the majority of Military Crimes?

| OFFICER'S NAME. | ANSWER. |
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| *Maj.-Gen. Sir C. D'Albiac* | Suspend for a time *all* balance of pay beyond messing, washing, and necessaries, so that the offender shall receive nothing. |
| *Maj.-Gen. Sir T. M'Mahon* | An evil hardly to be cured, unless reason occasionally restrains a man, or failure of health produces reformation. |
| *Maj.-Gen. Sir W. Cotton* | Great facilities for drunkenness at Devonport; cannot be prevented; system of stoppage of pay has been useful. |
| *Maj. Gen. Sir H. Bouverie* | None but stoppage of pay, and not beyond the extent now authorized; but rewards should be instituted for sobriety and good conduct. Fives' courts should be established in barrack-yards, and rooms prepared for the men to sit in, to prevent their being driven, as they now are, to public houses, even for a form to sit on, or a fire to sit by. The regimental bands might be made more available for the amusement of the men than they are at present. |
| *Col. Sir L. Greenwell* | The sale of spirituous liquors should be abolished in canteens. *All* balance of pay, beyond cost of messing, washing, and necessaries, should for a time be suspended. |
| *Maj.-Gen. Hon. P. Stuart* | Proposes the discharge of old and dissipated soldiers on modified pensions. |
| *Maj.-Gen. Thornton* | Commanding officers should be allowed to expend the whole, or a portion of a drunkard's pay on his diet, including beer. |
| *Maj.-Gen. Ross* | Soldiers should be furnished with beer at their meals, and permanent barracks should have fives' courts attached to them. Soldiers should be encouraged to appropriate a part of their pay towards effecting an annuity on their discharge. |
| *Lt.-Gen. Sir H. Vivian* | A power of reducing the pay may in some degree prevent it, but nothing will eradicate it. |
| *Maj.-Gen. Sir E. Blakeney* | Temperance societies and savings' banks should be instituted. Canteens should be let on lower terms, and better regulated. Fives' courts should be established; a reading-room provided. Drunkenness is less common among soldiers than formerly, but more noticed. |
| *Maj.-Gen. Sir J. Douglas* | The English Army should be placed on the same footing with other armies in regard to superfluous money. "Ask the French or German soldier what would be the consequence of placing sixpence every morning in the hands of the men, and a spirit-shop under their noses in the barracks?" |
| *Major-Gen. Macdonell* | The soldiers, when not on duty, have their time thrown on their hands. There should be an exercising-field attached to each barrack, which might be available for manly sports. Fives' courts should be attached to all permanent barracks. |
| *Major-Gen. Sir T. Arbuthnot* | Commanding officers of districts should be empowered to try habitual drunkards by District-Courts, consisting of the same numbers as a Regimental Court-Martial, there being sometimes difficulty in assembling a sufficient number of officers. Drunkards should forfeit 2*d.* or 3*d.* a day of their pay at once for certain periods, and men with additional pay should be deprived of it, in addition to the forfeiture now inflicted. The whole of the pay authorized by the King's regulations to be expended on the messing and washing, should be laid out in that way for habitual drunkards. |
| *Lieut.-Gen. Sir W. Houstoun,* (Gibraltar) | Drunkenness not merely a military, but a national vice, and no improvement can be expected till the community whence the soldier is drawn is improved. In a very great proportion of cases the drunken soldier was habitually a drunkard before he entered the service. The sober men who enter the army rarely become drunkards. |
| *Major-Gen. Sir F. Ponsonby,* (Malta) | Canteens should be placed entirely under the control of the officer commanding the barracks to which they are attached. |
| *Major-Gen. Sir S. Chapman,* (Bermuda) | More encouragement should be given to athletic exercises, such as quoits, cricket, foot-ball, &c. This would tend much to restrain or eradicate this vice. |
| *Major-Gen. Sir Lionel Smith,* (West Indies) | Suggests that beer should be introduced into the West Indies from Canada, and retailed from the canteens to the soldier at a price within their reach. Ale has been already brought there from America, which costs not more than four-pence halfpenny sterling for a quart. |
| *Major-General Middlemore,* (Grenada) | Suggests the abolition of canteens in the West Indies, and that a ration of rum should be issued through the commissariat, to be issued in two portions, properly diluted, the one at or after dinner, the other as soon after evening parade as may be convenient. |
| *Maj.-Gen. Sir Carm. Smyth,* (Demerara) | The men should be compelled to live well, and care should be taken that they have a comfortable breakfast and dinner. Canteens should sell malt liquors only, not spirits. "If I had the authority, not a single glass of rum should enter the barrack-yard." |
| *Maj.-Gen. Sir Colin Campbell,* (Nova Scotia) | Sale of spirits should be prohibited in canteens. Savings' banks should be established. The Americans have established them on a compulsory principle, at their frontier posts. The saving is there paid to the soldier at the end of his term of service, which enables him to locate himself comfortably upon the grant of land given to him by the government. He has thus an incentive to good conduct, and something certain to look forward to. A strong connecting link is thus formed between him and the government he serves, and he has the best and most powerful of restraints, that of his own interest, placed upon his evil passions. |
| *Maj.-Gen. Sir Amos Norcott,* (Jamaica) | Strongly urges the prohibition of the sale of spirits in all canteens at home and abroad. The men who can now get liquor at any time, and in any dress, from the canteens, would not, in nine cases out of ten, take the trouble to dress themselves to seek it elsewhere out of barracks. It is at all events very evident that the quantity of spirits drank in the one case and the other would differ enormously. It is an undeniable fact, that in all countries where spirits are cheap, and particularly in the West Indies and North America, almost every soldier in a regiment goes to a canteen the first possible moment in the morning for his dram, and numbers of them do not leave it without taking two or three, or even more. Sir Amos estimates, that if each man of a regiment spends 2*d.* a day for spirits, the amount for a year would be for its full establishment £1694. He suggests that the power of trying the mere act of habitual drunkenness should be extended to Regimental Courts-Martial, who should be limited in their power of awarding forfeiture of pay for one year. |
| *Major-Gen. Sir W. Nicolay,* (Mauritius) | He is of opinion that the 51st article of war is entirely insufficient to prevent, or even to diminish the crime of drunkenness in this colony. He suggests a modification of that article, giving commanding officers a certain discretion to resort to it or not, according to circumstances. At all events, he recommends that the offences specified in the article, should be rendered cognizable by a Regimental Court-Martial. |

| OFFICER'S NAME. | ANSWER. |
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| *Col. Arthur*, (Van Diemen's Land) . . . . . | Drunkenness will never be eradicated from the army by any means but those which practical religion supplies; but it may be restrained, by making the meals of the soldier better, by insisting on beer being provided at dinner, by having a tea or supper, and more fuel to keep up good fires in the evenings and make the barracks more comfortable, and so restrain the men from frequenting public houses. He also suggests the institution of athletic games. The law punishes the man who steals £5 just as it deals with him who steals £500. "But we encourage the soldier to drink a small quantity of spirits, and we punish him for drinking a large quantity, though we know that a small quantity disarms him of caution as to the larger, and that the daily habit creates a physical necessity, which sometimes the utmost fortitude cannot successfully struggle against." The root of the mischief is ignorance, and a habit of evil. If it be essential, as it is, that the serjeant should drill the clumsy lout into the active soldier, it is equally so that the teacher should meet with equal encouragement in giving him *mind*, that is, he should be equally supported in his exertions, if mental culture were equally prized with personal appearance. This object, however, could not be attained, unless the most decided measures emanated from the Horse Guards. |
| *Col. Lygon*, 1*st Life Guards* . | Can suggest none: fears the soldiers will drink as long as they have the means. |
| *Col. Lygon*, 2*d Life Guards* | Stoppage of pay for this crime the only probable remedy. |
| *Col. Hill*, *Royal Horse Gds.* | Absence without leave is generally the result of drunkenness. No man should be entitled to any pay for the period he is so absent. A Court-Martial should not be requisite to deprive him of this. |
| *Col. Sir G. Teesdale*, 1*st Dn. Guards* . . . . . | Commanding officers should have the power of confining drunkards in a solitary cell for seven days, depriving them of their pay, with the exception of sixpence a day. |
| *Maj. Kearney*, 2*d Dn. Gds.* | Fining a drunkard a portion of his pay, whenever he is absent from duty, might have a good effect. |
| *Lt.-Col. Story*, 3*d Dn. Gds.* | A greater proportion of the pay of habitual drunkards should be stopped than at present, and the power of doing so extended to Regimental Courts-Martial. |
| *Lt.-Col. Chatterton*, 4*th Dn. Guards* . . . . . | To eradicate drunkenness appears impossible, but it might be restrained by giving commanding officers power to expend the pay (except what is required for necessaries) in subsistence. |
| *Major Scarlett*, 5*th Dn. Gds.* | Drunkenness might be restrained, if, in addition to punishing the soldier, a fine and loss of debt could be inflicted on the publican to prevent his giving credit. |
| *Lieut.-Col. Wildman*, 6*th Dn. Guards* . . . . . | Those greatly in debt, and who have the least money, are the most drunken. The establishment of a supper mess has not checked drinking in the least. |
| *Lt.-Col. Clark*, 7*th Dn. Gds.* | The present system of forfeiture of pay for drunkenness provokes another offence, namely, absence without leave in order that the man may return sober. |
| *Lieut.-Col. Somerset*, 1*st Dns.* | The barrack canteen places liquor within any man's reach who has a penny to spend; but then if they did not exist, there might be more absence without leave. |
| *Maj. Wyndham*, 2*d Dns.* . | None, except the fear of corporal punishment. (*See Remarks on Corporal Punishment.*) |
| *Lt.-Col. Stisted*, 3*d Lt. Dns.* | Commanding officers should have the power of stopping 1*d.*, 2*d.*, or 3*d.*, a day for any period not exceeding three months, without trial by Court-Martial. The offender to be confined to barracks and attend drills. |
| *Lt.-Col. Fendall*, 4*th Lt. Dns.* (Bombay) . . . . . | As applicable to troops in India, recommends that the habit of drinking spirits should not be permitted to be acquired on board ship, or passage out, and then confirmed by the issue of a ration drawn at a reduced price on arrival there. A duty should be imposed on the spirits at stations where European troops are. |
| *Lt.-Col. Madox*, 6*th Dns.* . | The forfeitures for drunkenness, instead of being 1*d.* a day for one or two years, should be larger in amount and for shorter periods, and a dress of disgrace should be adopted. |
| *Lt.-Col. Hill*, 7*th Light Dns.* | Refers with approbation to a plan of Captain M'Carty's (*not with his Report*). |
| *Lt.-Col. Molyneux*, 8*th Lt. Dns.* | It is to be feared that the confirmed drunkard is incurable. Refers to the suggestion of the drunkard's jackets in the answer to the preceding question. |
| *Lt.-Col. Campbell*, 9*th Lt. Dns.* | Habitual drunkards might be taken from the troop messes, and messed by themselves under the care of a smart non-commissioned officer, who should see their full mess expended upon them. |
| *Lt.-Col. Lord T. Cecil*, 10*th Light Dragoons* . . . . | The price of spirits might be increased by a high duty, so that the soldier could not become a purchaser. The publicans should be obliged to sell better ale and beer. |
| *Lieut.-Col. Brutton*, 11*th Lt. Dragoons*, (Bengal) . . . | The separate barrack, alluded to in the answer to the preceding question, might do something; but nothing but the positive and total prohibition of spirits in canteens will check this vice. |
| *Lt.-Col. Stawell*, 12*th Lt. Dns.* | Thinks there is less drunkenness than formerly, owing to the system of forfeitures. Canteens should be prohibited from selling spirits, and be allowed beer licenses only. |
| *Lt.-Col. Townsend*, 14*th Lt. Dragoons* . . . . . | Commanding officers should be allowed to fine a man 2*s.* for drunkenness, on the evidence of any two soldiers. The fines to be carried to a fund for regimental charities, and not to the public. |
| *Lt.-Col. Badcock*, 15*th Light Dragoons* . . . . . | There should be no canteens in barracks. Men would not take the trouble to go to a distance for liquor, although they will take it if at hand. |
| *Lt.-Col. Lord Bingham*, 17*th Light Dragoons* . . . | Canteens should be prevented from selling spirits. The habit of dram-drinking in the morning, so generally prevalent in the army, originates in the canteens. |
| *Col. Sir John Woodford*, *Gren. Guards* . . . . | It might be more restrained by taking pains to encourage sobriety; by promoting no man to be a non-commissioned officer who is not strictly free from habits of intemperance; by overlooking no instance of inebriety on or off duty; by discharging without pension or gratuity men enfeebled by intemperance; by abolishing canteen privileges, and allowing wholesome provisions to be sold by honest people, who should be appointed by the commanding officer; and further, by extreme attention to the character of recruits. |
| *Col. Fremantle*, *Coldst. Gds.* . | Drunkenness and absence are synonymous. Stop the pay for absence and drunkenness must be much diminished. There are no complaints of misconduct from the recruit houses, because the recruits are under stoppage to pay for necessaries. Whence arises the distaste of soldiers to enter hospitals? Hospital stoppages. |

| OFFICER'S NAME. | ANSWER. |
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| *Col. Keate, Scots Fus. Guards.* | It might be restrained by stopping the pay of any man absent without leave for twenty-four hours, as a matter of course, by the authority of the commanding officer. |
| *Lt.-Col. Carter, 1st Batt. 1st Foot* (West Indies) . . | Can suggest none. Has tried advice, lenity, and severity, but all to no purpose. |
| *Lt.-Col. Wetherall, 2d Batt. 1st Foot* . . . . . | The present laws against this offence are efficacious if persevered in. Loss of pay deprives the drunkard of means to indulge his vice, and no offence should be overlooked. |
| *Major Deuchar, Dep. 1st Foot* | An additional quarter of a pound of meat might be added to the soldier's daily mess, when given to habits of drunkenness. |
| *Captain Jackson, 2d Foot,* (Bombay) . . . . . | Proposes a fine for drunkenness. (*See answer to previous question.*) |
| *Lieut.-Col. Breton, 4th Foot,* (New South Wales) . . | Temperance societies might be established, but that is impossible while the men receive spirits as a part of their ration. Far more is to be gained by example among the officers. He has discouraged the commemoration of particular days, and does not allow cheering at the mess table. "What must follow a great mess dinner in the centre of a barrack? The men will surely reason upon the conduct of their officers, and wonder why they also should not be allowed to enjoy themselves." |
| *Lt.-Col. Sutherland, 5th Foot,* (Mediterranean) . . . | Recommends the total abolition of a daily allowance of beer or liquor money, of wine, or spirits, when not on actual service. Every act of drunkenness should be recorded, and a soldier tried six times for that offence should be discharged, branded, and forfeit all claims to pension. Temperance societies might be tried as an experiment. |
| *Maj. Lord C. Wellesley, Dep. 5th Foot* . . . . . | A man confined for drunkenness should be deprived of his pay for that day, and if confined for riotous behaviour when drunk for forty-eight hours, he should also forfeit pay for that period. |
| *Lieut.-Col. Farquharson, 7th Foot* (Mediterranean) . . | It would have great effect if the whole pay were stopped from a man reported or confined for drunkenness. As the case now stands, a man may be confined in a defaulters' room for seven days; at his release he gets the whole of the seven days' pay, and is, as usual, again drunk, besides having the means of making others the same. |
| *Major Lord W. Thynne, Dep. 7th Foot* . . . . . | Any man tried for offences of which drunkenness forms a part, should forfeit a portion of his daily pay: and drunkards should be messed separately, and more expended at their cost on their mess. |
| *Lieut.-Col. Cathcart, 8th Foot,* (Jamaica) . . . . . | Thinks drunkenness promoted by the present canteen system, and proposes to invest the commanding officer of the regiment with more control over the canteen keeper, and with power to debar, if necessary, the whole regiment from the canteen during the licensed hours; the leases to be granted accordingly. |
| *Capt. Machen, Depôt, 8th Ft.* | Expending a greater sum on the soldiers' messing might restrain drunkenness. |
| *Major Champain, Dep. 9th Ft.* | Recommends that spirits should be excluded from the canteen, and the best porter and ale substituted. |
| *Lieut.-Col. Freer, 10th Foot,* (Mediterranean) . . . | Has observed that notorious drunkards have reformed when the periods of their discharge approached. Thinks that drunkenness might be checked if it were clearly understood that all instances of it (although not affecting health) would be noted, and the pension, on leaving the service, be affected seriously by this circumstance. |
| *Major Allen, Dep. 10th Foot* | "So long as soldiers have money it will go in drink." Suggests the establishing an additional meal for them, one hour before taptoo, amounting to about twopence a day. |
| *Major Derinzy, 11th Foot,* (Mediterranean) . . . | Looks upon this question as involving almost all the others, and its consideration as of the most vital importance to the well-being and discipline of the army, as it seldom happens that any crime is committed which does not owe its origin immediately or remotely to this vice. The causes of it he states to be—first, utter disregard to character in recruiting; second, retaining incorrigibly vicious men in the service, after every possible means have been tried to reform them; third, the understanding generally prevalent in the army that drunkenness off duty should not be reported; fourth, the surplus means of the soldier being so much proportionably above the cost of wine, &c., that almost any man possesses the power of getting drunk whenever he pleases; fifth, the establishment of canteens close and convenient to the men's quarters; sixth, the difficulty the soldier finds in investing his surplus means; seventh, the want of sufficient power in the commanding officers to prevent habits of drunkenness; eighth, the total absence of all means of religious or moral instruction for troops detached from head quarters. As remedies for these he suggests for the first, that no recruit should be enlisted without a character. For the second, that incorrigible men (he speaks of fifteen who have shared eighty-two Courts-Martial between them) should be discharged, either to general service in the colonies or with some mark of disgrace. For the third, which he represents to be an evil of fearful magnitude, as leading to general nightly intoxication, he recommmends that every soldier who shall be found at taptoo in the streets or on pass, so much under the effects of liquor as to be judged unfit for any duty of fatigue, shall be reported drunk and recorded accordingly. For the fourth, he proposes a supper mess, the interval between the dinner and the breakfast next morning being too long. For the fifth he proposes to remove the canteen to a distance not quite so convenient, and is satisfied that not a fourth of the men who are now tempted by the proximity of the canteen would be found in a more distant place. For the sixth, the investment of the soldier's surplus, he proposes the remittance to savings' banks through the regimental paymaster. For the seventh, he recommends that the commanding officer should have the power of obliging every man, not under forfeiture, to have his liquor money laid out for him. And for the eighth, which may be peculiar to Zante, (*whence the Report is dated,*) he proposes the employment of assistant chaplains. |
| *Lt.-Col. Bisshopp, Dep. 11th Foot* . . . . . | Considers that drunkenness has generally decreased in the army; and the means best adapted to do away with it would be raising the character of the soldier with the people. |
| *Lt.-Col. Turbervill, 12th Foot* | It would be desirable that commanding officers should have the power of making a deduction from the man's pay when in confinement for drunkenness. |
| *Lieut.-Col. Sale, 13th Foot,* (Bengal) . . . . . | Habits of drinking are acquired by the young soldier from the old and incorrigible drunkards. If these latter were discharged a great difference would be perceptible. There are |

| OFFICER'S NAME. | ANSWER. |
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| | a certain number of incorrigible men in every regiment. Beer should be sent out to India, it would induce the soldiers to abandon spirits. |
| *Lt.-Col. Everard*, 14*th Foot* . | Courts-Martial should be empowered to dismiss all incorrigible drunkards. This might thin the ranks for a time, from the numbers addicted to this besetting vice of the English army, but there are many unemployed who would supply their places were it not from a fear that they might be brought into contact with habitual drunkards. These men now enlist in the Police Force, from which a conviction for drunkenness would dismiss the individual, and it is a service that does not hold out one-third of the comforts and benefits awaiting the well conducted British soldier. |
| *Lieut.-Col. Horton*, 15*th Foot*, (Canada) . . . . . | By great watchfulness, and noting in some way or other every instance of it, it may be restrained; but where spirits are cheap, as in America, the crime must always be general in the army. |
| *Maj. Drought*, *Dep.* 15*th Ft.* | Recommends the establishment of a drunkards' mess, where a larger sum should be expended on provisions, and water only allowed. |
| *Lt.-Col. Campbell*, 16*th Foot*, (Bengal) . . . . . | The situation of soldiers in tropical climates, and the cheapness of spirits, make it almost impossible to prevent or eradicate this evil. Regimental Courts-Martial should be empowered to sentence loss of liquor money. |
| *Lt.-Col. Despard*, 17*th Foot*, (New South Wales) . . | Is sorry to say, that while soldiers are quartered in towns or within a short distance of them, and while such encouragement is held out in public houses, nothing will eradicate this propensity. |
| *Col. Burrell*, 18*th Foot* . . | Can only suggest that the soldier should have to expend more in articles of apparel. |
| *Lieut.-Col. Hardy*, 19*th Foot*, (West Indies) . . . . | Attributes the extent of drunkenness to the sale of spirits in the canteen, and proposes that they should be supplied through the commissariat. "It is the interest of the commanding officer to keep his regiment sober; it is the interest of the lessee of the canteen, within one hundred yards of the barrack door, to keep that regiment drunk, and while these interests are opposed to each other, with the odds in favour of the lessee of the natural propensity of the man, he has a decided advantage over the commanding officer." He has introduced, with extremely good effect, a system under which a man, after four months' good conduct and sobriety, may obtain the erasure from the defaulters' book of the first record of drunkenness, of the second by five months' sobriety, and of the third by seven months' similar conduct. |
| *Major Raper*, *Dep.* 19*th Foot* | The present system of stopping a portion of pay for habitual drunkenness has had a beneficial effect. It would however be better, as decreasing the number of Courts-Martial, if commanding officer were authorized, on clear proof of drunkenness, to stop a penny a day for the period of confinement to barracks. Does not approve of defaulters' room, as tending to congregate all the bad men of the regiment; thinks confinement in the respective barrack rooms would be better. |
| *Lieut.-Col. Leahy*, 21*st Foot*, (New South Wales) . . | Has seldom found a soldier, during thirty-six years' experience, who, when he had money, did not get rid of it in drink, and when his money was expended, return to his duty. |
| *Captain Keappock*, 22*d Foot*, (Jamaica) . . . . . | The best mode of preventing drunkenness is to deprive the offender of the means for some time. |
| *Maj. Pennefather*, *Dep.* 22*nd Foot* . . . . . | Cannot suggest any other punishment, but thinks more comforts might be provided in the barracks, such as reading rooms to keep the men from the streets and public houses. |
| *Lt.-Col. Harrison*, 23*d Foot*, (Gibraltar) . . . . . | This is a national vice, and the class from which the army is recruited are habituated to it. A better description of recruits should be obtained by holding out more encouragement to the men. |
| *Major Ross*, *Dep.* 23*d Foot* . | Recommends increased stoppage of pay. |
| *Col. Tidy*, 24*th Ft.* (Canada) | The present mode of stopping the pay of habitual drunkards is the best that could be adopted; and those addicted to drunkenness should never be employed on the public works, or in any way which would increase their funds. |
| *Major Kelly*, *Dep.* 24*th Foot* | A greater latitude might be given to Regimental Courts-Martial in regard to mulcting the offender's pay, and all the drunkard's balance should be laid out in extra messing. Spirits should not be permitted to be sold in barrack canteens. The habit of dram drinking is acquired from the facility with which a man can get liquor from the canteen. |
| *Major Young*, 25*th Foot*, (Demerara) . . . . . | The issue of malt liquor instead of an allowance of either money or spirits, the formation of temperance societies in regiments, and above all the example of the officers. Making it imperative and not discretionary to enforce on all occasions the fifty-first Article of War, and extending the powers of the fifty-third to the forfeiture of 5*s.* at once, or by weekly stoppages, instead of 1*d.* a day for thirty days. |
| *Maj. Priestley*, *Dep.* 25*th Ft.* | The propensity is generally and deeply rooted. It would be desirable if a taste for reading could be cultivated, by the establishment of libraries. Gymnastic exercises might be encouraged. |
| *Lt.-Col. Oglander*, 26*th Foot*, (Bengal) . . . . . | The only effectual corrective of this as of every other vice, is a sound and rational sense of the obligations of religion. This is the only true foundation of moral discipline. The establishment of libraries and the system of adult schools, would be useful in this view. But while the government thus countenances intellectual improvement it should not counteract its own work by allowing the sale of spirits in the canteens. It is poor sophistry to say, that such is the nature of the soldier, that if he get not liquor within the barracks, he will seek it without. On this reasoning a brothel might also be established. No ration of spirits should be delivered to the men. Many a soldier who has come to India, unused to spirits, has been broken into the bad habit, partly by example and partly because he would not throw away a portion of his rations. With the reduced rates of pension it is absolutely imperative on the government to teach the soldier to economize a portion of his pay, or of the money he may make by the exercise of his trade. Remittances should not be limited to the amount of their pay only. As tradesmen and servants they possess means of making money beyond what most people suppose. Medals for good conduct should be given while serving, and after 14 years' service. Is not disposed to encourage marriage in the army, but a larger proportion of the wives should be allowed to |

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| | accompany the regiment on foreign service, and married soldiers should be encouraged to colonize, and to that end should obtain their discharge when recommended. Temperance societies would be useful, but they should be supported by recommendations from authority. |
| *Lt.-Col. Hare*, 27*th Foot* . | Officers in command of regiments should have the power of inflicting a summary fine, like magistrates, varying from 2*s.* 6*d.* to 5*s.*, according to the habits and propensity to drunkenness of the offender. |
| *Major French*, 28*th Foot* . | By pensioning soldiers according to character, and by giving some distinctive badge to men of good conduct, which, however, a Court-Martial might deprive them of for misconduct. |
| *Lt.-Col. Simpson*, 29*th Foot*, (Mauritius) . . . . . | Drunkenness has increased to an enormous extent in this colony within the last three years; and the sending all cases before a Garrison Court-Martial, to be dealt with under the 51st Article of War, has rather tended to increase the crime, for the forfeiture of pay is no consideration to a drunkard, who, in the Mauritius, can obtain arrack in abundance for little or nothing. Courts-Martial, from their frequency, are brought into contempt, the culprits do not reform, but in fact again and again, some even six, seven, and eight times are brought before the court for habitual drunkenness. The distillation of ardent spirits should be kept within proper limits, in this colony at least; and more discretionary power should be invested in the commanding officer to deal with the men according to their several characters, dispositions, and previous conduct. |
| *Major Walter*, *Dep.* 29*th Foot* | Stoppage of pay might be carried to a greater extent, especially in Ireland, where subsistence and spirits may be obtained at low rates. |
| *Lt.-Col. Robinson*, 30*th Foot*, (Bermuda) . . . . . | It is vain to hope for any diminution of this vice while the Army is composed of the idle and dissolute of the country, and while spirits are so abundant and cheap. The habits of the lower orders must be altered before much effect can be produced on the Army. Married men are commonly more orderly than unmarried; and more women should be allowed in barracks. Tropical service ruins soldiers, the heat inducing thirst, drinking follows till they become reckless. The regiments on returning should recruit a better description of men. |
| *Major Ormond*, *Dep.* 30*th Ft.* | Would inflict a fine of 5*s.* every time drunkenness was proved before the commanding officer, stopping the daily pay until it was paid. |
| *Maj. Bolton*, 31*st Ft.* (Bengal) | Cannot point out any means of eradicating this propensity in India, where such facility exists for obtaining intoxicating liquors. |
| *Major Wingfield*, 32*d Foot*, (Canada) . . . . . | Savings' banks might be established with beneficial effects. As long as a soldier has money in deposit, either with his officer or elsewhere, he is a well-conducted man. A soldier at first often spends his money in drink because he does not know what to do with it, and acquires a habit which soon becomes a necessity to him. It would, however, be necessary that the power of withdrawing the money at pleasure should be withheld, and the possibility of inconvenient applications for purchased discharge should be considered. But such an institution would be a real boon to the soldier; it might be conducive to sobriety, and be the means of lessening desertion, now so prevalent in Canada. |
| *Major Palk*, *Dep.* 32*d Foot*. | All sorts of athletic games should be encouraged. It is difficult to find the means in most barracks, and suggestions on this head have been disregarded. |
| *Lt.-Col. Knight*, 33*rd Foot* . | The best mode of checking it is to deprive them of their pay when they put it in your power to do so. |
| *Lt.-Col. Fane*, 34*th Foot*, (New Brunswick) . . . . . | No. |
| *Capt. Brisbane*, *Dep.* 34*th Foot* | The quantity of bread and meat now allowed for the ration might be increased from 1 lb. of the former to 1½lb., and from ¾lb. to 1lb. of the latter. The present allowance is scarcely sufficient for a strong healthy man. The soldier might pay the extra cost. |
| *Lt.-Col. Goldie*, 35*th Foot* . | "I may venture to say that no one can doubt that the soldiery have too much money to spend, and the great object should be to get rid of the overplus if possible." The ration of bread and meat should be increased to 1½lb. and 1lb. Tea or coffee should be supplied in the evening. Savings' banks should be established.Co urts-Martial should be as little frequent as possible, and commanding officers empowered to award, promptly, seven days' black hole. A general scale of punishments a desirable measure. |
| *Major Cairnes*, 36*th Foot*, (*West Indies*) . . . . . | Can see no way of preventing drunkenness while the present system of canteens continues. The canteens should be solely under the control of the commanding officer, and kept by one of his best non-commissioned officers, who would not allow any man to get drunk. Malt liquor might be substituted for rum in the West Indies. Savings' banks should be established. |
| *Capt. Hare*, *Dep.* 36*th Foot* . | Is of opinion that a soldier has too much pay, except in England, where the rate of messing is high. Evening messes of coffee and bread should be established, which would add to the comfort of the soldier, reduce his pay, and at least diminish the pernicious effects of ardent spirits. Canteens should be under the control of the regimental officers. Habitual drunkards should be tried by Regimental Court-Martial. |
| *Major Manners*, 37*th Foot*, (Jamaica) . . . . . | Commanding officers should be empowered to inflict a small fine without Court-Martial; and Regimental Courts-Martial should be empowered to try habitual drunkards. |
| *Major Kell*, *Dep.* 37*th Foot* . | Suggests the discharge of old and confirmed drunkards from the service. Nothing can or does restrain them but the fear of corporal punishment. |
| *Maj. Jebb*, 40*th Ft.* (Bombay) | The soldiers in India labour under disadvantages to which those at home are not subject. In Europe the soldier can walk about the town in which he is quartered, but in India he has no inducement to quit his lines, and often resorts to the canteen from listlessness. |
| *Col. Sir E. K. Williams*, 41*st Foot*, (Madras) . . . . | From the construction of Indian barracks it is impossible to prevent the natives from smuggling liquor through the windows. The old soldiers who have volunteered from regiment to regiment, are the bane of the Indian army. These men all drink. Is of opinion that the daily payment system has contributed to produce drunkenness. There are very few opportunities for Protestant divine service in India, the Catholics are better off, and are better conducted. Every regiment should have a chaplain. |
| *Lt.-Col. Sir C. Gordon*, 42*d Foot*, (Mediterranean) . | The best mode of restraining the propensity to drunkenness, now so prevalent in the Army, is that of depriving all those of their pay who exceed the limits of the Mutiny Act on this |

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| | head. The evil might be still more restrained by removing the temptation by placing the canteens under stricter regulations, and the control of commanding officers of regiments. Commanding officers should be compelled to adopt an uniform system in the punishment of this vice, whatever that system may be. Nothing can have a worse effect on soldiers, or tend to make them more discontented, than to see that in some regiments they are invariably punished for drunkenness, when in others in the same garrison, perhaps barracks, it is hardly treated as a crime. |
| *Maj. Johnstone, Dep.* 42*d Ft.* | The sale of spirits in the canteens not to be licensed. (*See also General Observations.*) |
| *Lt.-Col. Booth,* 43*rd Foot* . | Deprive the drunkard of means, by stopping his pay to the amount of 3*d.* or 4*d.* a day, for a shorter period than the present system, say not exceeding six months. |
| *Col. Elrington,* 47*th Foot,* (Gibraltar) . . . . . | Recommends that an increased power should be given to commanding officers to extend confinement in defaulters' room from seven days to one month, without having recourse to Courts-Martial so frequently. |
| *Maj. Sadleir, Dep.* 47*th Foot* | Recommends a separate mess for drunkards. Approves of the fifty-third Article of War, which, if more generally applied, might save appeals to District Courts-Martial. |
| *Lieut.-Col. Bell,* 48*th Foot* . | Can suggest no remedy but the discharge of the incorrigibles, as stated in answer to preceding question. |
| *Lieut.-Col. Bartley,* 49*th Foot,* (Bengal) . . . . . | This is the most prevalent crime in India, particularly among those soldiers who have been many years in that country. The system of allowing men to volunteer from regiment to regiment is most injurious to discipline, as these old soldiers invariably corrupt the young, in persuading them that the drinking ardent spirits is necessary in that climate. |
| *Lt.-Col. Wodehouse,* 50*th Foot,* (New South Wales) . . . | The commanding officer should not have the power to forgive a man who has rendered himself liable to be convicted of habitual drunkenness. |
| *Maj. Ryan, Detach.* 50*th Ft.* | Every soldier who comes under the fifty-first Article of War should be tried for habitual drunkenness. A supper mess for drunken characters operates well; and a system has been adopted in this regiment of placing men, confined for drunkenness, in a room by themselves for seven days, under the charge of a non-commissioned officer, where they are not allowed to smoke, nor have the use of a fire, in addition to knapsack drill. |
| *Maj. St. John,* 52*nd Foot* . | Fines would have some effect, but there should be a great alteration in the canteens, which should not be licensed to sell spirits. The most inveterate dram drinkers will seldom take the trouble to dress in the morning so as to pass the gate in order to get their dram, when there is no canteen; but while it exists, the old soldier is tempted, and he teaches the young one the habit. |
| *Capt. Considine,* 52*nd Foot* . | One step towards eradicating this bane of the British troops would be the total prohibition of the sale of spirits in canteens. Malt liquor, groceries, bread, &c., should be the only things sold by the suttler, and no malt liquor should be sold to the men till after morning parade. Few men would take the trouble to dress themselves to go out for a dram. It is, however, nearly hopeless to eradicate drunkenness while the army is liable to colonial service. The career of the young soldier, perhaps, begins with whisky drinking in Ireland, he is then carried to the West Indies and tempted by the cheapness of the rum, or to the Mediterranean where adulterated cheap wine exercises its pernicious effects upon him, or to India and arrack. Three-fourths of the men passing through this ordeal turn out confirmed sots, and they are demoralized and unfit for service long before they become old soldiers, either in service or years. |
| *Lt.-Col. Considine,* 53*rd Foot,* (Mediterranean) . . . | Recommends that commanding officers should have the power of inflicting a fine of one shilling on a man proved drunk, also that he should be enabled to award summarily four days' blackhole instead of two days; that a soldier, for the time of his confinement to black hole, should, as a matter of course, forfeit one half his pay; and that Regimental Courts-Martial should have the power of depriving a man of part of his pay for habitual drunkenness, say, for a maximum, one year. |
| *Maj. Butler, Dep.* 53*rd Foot* . | Recommends the establishment of a savings' bank. Drinking is frequently induced from the want of a means of investing surplus pay. |
| *Lieut.-Col. Craigie,* 55*th Foot,* (Madras) . . . . . | The alterations in the canteen system in India, introduced by Lord W. Bentinck are likely to have a considerable effect in diminishing this vice. The enormous profits arising from the sale of spirits in the canteens are now partly employed in supplying the men with coffee, tea, wine, beer, lemonade, &c., at a lower rate than they could be otherwise procured. Already nearly 150 cups of coffee are drank in the canteen every morning, and it follows, of course, that there is a proportionate decrease of arrack. |
| *Lt.-Col. Prichard,* 56*th Foot,* (Jamaica) . . . . . | Cannot suggest any means of restraining or eradicating it; indeed the evil appears irremediable where rum can be purchased at sixpence sterling per quart, which is the case in this colony. |
| *Maj. Eden, Dep.* 56*th Foot* . | Suggests that beer should be supplied in kind, at home, in lieu of beer money. Means should be afforded the soldier of employing his leisure hours either in the exercise of his trade, or by encouraging manly sports, and, if possible, a reading room should be added. |
| *Col. Clifford,* 58*th Ft.* (Ceylon) | It may be in a certain degree restrained by the vigilance of officers and non-commissioned officers by never overlooking any act of drunkenness that unfits a man for any description of duty, and by occasional advice to those prone to drunkenness. Condemns the practice of issuing money compensations for clothing, as leading invariably to scenes of drunkenness and dissipation, and suggests that a lighter description of trousers should be sent to the regiments to the eastward of the Cape instead of the compensation. |
| *Maj. Ricketts, Dep.* 58*th Ft.* | Drunkards should mess by themselves, and should not be allowed to keep their own necessaries. They should be deprived of the whole of their pay, except such part of it as the commanding officer might deem requisite for keeping them in food and necessaries. |
| *Lieut.-Col. Fuller,* 59*th Foot,* (Gibraltar) . . . . . | A Regimental Court-Martial should have the power to stop twopence or threepence a day out of the pay of a confirmed drunkard for a period of ten to forty days. |
| *Maj. Gordon, Dep.* 59*th Foot* | An evening meal, consisting of tea or coffee, with bread. |
| *Lt.-Col. Bunbury,* 1*st Batt.* 60*th Foot,* (Mediterranean) | Forfeiture of pay, the only means he can recommend. Canteens have been the source of much mischief, as nearly all control over them has been taken out of the hands of commanding officers. The facility with which a soldier can purchase cheap spirits in the Mediterranean garrisons, is a great cause of intemperance. "It is little better than a |

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| | mockery of justice to throw temptation in the way of the illiterate soldier, and then expect to find him sober and obedient." |
| *Maj. Trevelyan, Dep. 1st Batt. 60th Foot* . . . . . | In addition to solitary confinement and forfeiture of pay, he recommends that the full rate of messing should be charged to the soldier who is habitually a drunkard. This would compel the soldier to expend four shillings and elevenpence halfpenny weekly, whereas, in Ireland, three shillings and ninepence halfpenny a week is sufficient. |
| *Lt.-Col. Ellis, 2d Batt. 60th Ft.* | Commanding officers should have power to fine five shillings when a man has been drunk four times within the year, and ten shillings for a second offence within three months after. A soldier found drunk in the day time to forfeit his pay for that day. Constant confinement to the dry room might be useful for reclaiming habitual drunkards; and if an old soldier of more than fourteen years' service, discharge without pension would have a good effect as an example. |
| *Col. Darley, 61st Foot* (Ceylon) | As long as arrack is sold at the rate of four shillings a gallon, it will be almost impossible to eradicate this great and serious evil; but the introduction of good beer at a moderate price might do something. |
| *Maj. Forbes, Depot, 61st Ft.* | Forfeiture of a portion of pay and beer money, by the habitual drunkard, has a good effect. But incentives to good conduct are more wanting than punishments for drunken and bad. There should be a distribution of medals for good conduct annually by the general officer, at the half-yearly inspection; and misconduct should render these men liable to forfeiture of that medal. Is convinced that a spirit of rivalry would soon obtain in every regiment in an anxiety to possess the greatest number of these distinctions. |
| *Lt.-Col. Fairtlough, 63d Foot* (Madras) . . . . . | As the troops in India are situated, it would be extremely difficult to eradicate drunkenness, the facilities of procuring arrack at a low rate are so immediately at hand. |
| *Lt.-Col. Kirkwood, 64th Foot* (Jamaica) . . . . . | It would be desirable to get a better class of men for the service, and by a steady and determined opposition to excess in drink, drunkenness might be considerably checked. The recruiting service should be on a different footing, and care should be taken to enlist men of better character. |
| *Maj. Freeth, Depot, 64th Foot* | Recommends manly sports, fives courts in barracks, and appropriating as much as possible to their messing. |
| *Maj. Farquharson, 65th Foot* (West Indies) . . . . | It might tend to restrain this propensity if the price of canteen spirits were raised, and the use of porter, ale, &c. encouraged. Constant drunkards should be discharged with disgrace or without pension. At present the greatest drunkard, even under punishment, is well fed, well clothed, and cared for, whilst his irregular habits impose his duty on the good soldier. The recruiting in staff districts has brought a number of objectionable characters into the service. |
| *Maj. Walker, Depot, 65th Ft.* | Suggests the establishment of savings' banks by authority. It would enable the soldier to save his surplus pay instead of spending it as he now does in liquor, and it would operate as a check to desertion. More extended accommodation should be afforded for school rooms, and regimental libraries might be established with advantage. Canteens appear to have a very bad effect. Many men get drunk there who would not take the trouble to seek liquor out of barracks. |
| *Colonel Nicol, 66th Foot* (Canada) . . . . . | Cannot suggest any way of preventing it, but is led to believe there is less drunkenness among the military, as a body, than any other of the same rank and condition. |
| *Maj. Daniell, Depot, 66th Ft.* | Recommends the issue of the daily pay in the morning instead of the afternoon. The commanding officer should be empowered to direct the expenditure of all, or nearly all the pay of the habitual drunkard, for a limited period, say three months. |
| *Major Brooke, 67th Foot* (West Indies) . . . . . | Is satisfied that if the fifty-first Article of War were rigidly enforced in every corps, and every commanding officer compelled, without favour or partiality, to act upon it, in the course of time drunkenness would be eradicated. But many officers from a desire to preserve the reputation of their regiments, as well conducted and sober corps, do not bring all delinquents to trial. |
| *Major Johnston, Depot, 67th Foot* . . . . . | Thinks the eradication of drunkenness hopeless, but it might be still further restrained by extending the principle of pecuniary forfeiture. The fifty-first Article of War has already done much to diminish the number of cases. Proposes a stoppage of threepence a day for each day's drill ordered by the mere sentence of the commanding officer. Thus, for first offence of drunkenness four days' drill, which at threepence a day would amount to one shilling. For second, eight days and the fine of threepence a day, which would be two shillings. For third, twelve days and three shillings. For fourth, Court-Martial as at present. The commanding officer to have power of mitigating the drill, but the fine to be levied invariably. The soldier to have right of appeal to Court-Martial, but if found guilty, the original fine to be doubled. It might be advisable to apply similar regulations to absence from barracks for one night, as men frequently absent themselves to avoid a record of drunkenness. A man drunk on escort or line of march to forfeit his marching pay for that day in addition to any other punishment. |
| *Lieut.-Col. Cross, 68th Foot* (Gibraltar) . . . . . | This vice takes its origin from the national character, and is more prevalent among the old soldiers than the young. On home service there is not sufficient occupation for the soldier's mind, and his only resource is the alehouse. If ball courts and other sports were encouraged among the men, it would keep them more at home. |
| *Major Lord W. Paulet, Depot, 68th Foot* . . . . . | Drunkenness is the origin of every military crime, but he cannot suggest any means of restraining or eradicating it. |
| *Major Brookes, 69th Foot* (West Indies) . . . . | In the West Indies a great change is required in the canteen system. That at present in force is calculated to encourage drunkenness, and the efforts of a commanding officer must be vain while there is a licensed rum shop in the barracks, inviting the soldier to spend the balance of his daily pay, and as the canteen keeper pays a high rent it is his interest to encourage the consumption of spirits. The sale of spirits should be interdicted in the canteens, and every inducement held out to the soldier to drink malt liquor. It may be urged that he would procure spirits elsewhere, but it should be recollected that he cannot quit the garrison without a pass, and any excess would involve its forfeiture. |
| *Major Monins, Depot, 69th Foot* . . . . . | The soldiers should be constantly messed up to the full rate of 4*s.* 11½*d.* a week, particularly in Ireland. The beer money should be expended in kind. No spirits should be sold at |

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| | the canteen, but the best malt liquor only. Every barrack should have a ball court, which would be an inducement to keep the men from the canteen. |
| *Colonel Evans, 70th Foot* (Gibraltar) . . . . . | The barrack canteens in the United Kingdom and the wine houses in the colonies are established on a wrong principle. So long as they are so upheld by the government for the sake of the revenue they produce, which is in exact proportion to the degree of drunkenness the canteen man can establish in regiments, and so long as government issue wine and spirits as part of the ration in time of peace, the expectation must be vain and illusory of curing the propensity to drunkenness in the British soldier, confirmed if not excited by such gratuitous potations and such encouragement. |
| *Major Kelsall, Depot, 70th Foot* . . . . . | Beer should be issued in kind in the British Islands as part of the messing instead of the money allowance. Habits of drinking are frequently acquired by the issue of spirits and wine as a ration abroad. Suggests the issue of this ration at two periods of the day, one half after dinner and the remainder in the evening. |
| *Lieut.-Col. Peddie, 72d Foot* (Cape of Good Hope) . . | Has found the punishments enumerated in his preceding answer tend to restrain this vice. Recommends that beer at home, and wine and spirits abroad, be made part of the soldier's messing. |
| *Major Hall, Depot, 72d Foot* | Commanding officers should be, in some measure, assimilated to civil magistrates. They should be authorized to take evidence on oath, and to place delinquents for drunkenness in solitary confinement for a period not exceeding seven days, and to impose fines not exceeding 5*s*. Regimental-Courts should have power of awarding forfeiture of additional pay, &c. for habitual drunkenness. The additional pay and beer money should be forfeited altogether and not for a limited period, to be restored only on a thorough reformation. After all, the habits of soldiers must be influenced by the habits of the class from which they are taken, and drunkenness has increased to such a degree in this country, that the wonder rather is, why the vice is not more prevalent in the Army. |
| *Major Lloyd, 73d Foot* (Mediterranean) . . . . | As long as General and Commanding-Officers take upon themselves to judge what number of times constitute habitual drunkenness, instead of abiding by Articles of War, all attempts to eradicate this propensity must fail. Suggests one uniform plan for dealing with drunkenness, from which no commanding officer should be allowed to deviate, which their desire to keep up the credit of the corps may sometimes now lead them to do. He therefore proposes an *imperative* scale of punishment, but thinks it in the first place essential that the soldier should be taught to regard drunkenness as one of the gravest offences, which he cannot do when he sees it so variously and inconsistently treated by different commanding officers. This *imperative* scale would enable commanding officers for first offence to award one week's confinement, for the second offence, two weeks, and for the third, three weeks, with a fine in each case of 6*d*. For the fourth offence, the case should be referred to a Regimental Court-Martial, which, for first conviction, might award from one to two months' confinement to keep, between the hours of parades and duties, with a fine of 2*d*. a day during the period. For second conviction, period to be increased from two to four months. The Garrison Court-Martial, on first conviction, might award from one to two months' hard labour, and loss of 1*d*. a day from six to twelve months, and for second conviction from two to four months' hard labour with loss of 1*d*. a day from one to two years. Drunkenness on guard should not form part of the charge for habitual drunkenness; it teaches the soldier to make light of so disgraceful an offence. The frequency of Garrison Courts-Martial lessens their dignity and effect. Temperance societies well regulated would be of incalculable advantage; and, above all, the good advice of an exemplary clergyman, of whose valuable services the British soldier has seldom the benefit. The fines might be placed to a fund for the reward of men of good conduct on their discharge. |
| *Major Hamilton, Depot, 73d Foot* . . . . . | Recommends that in the worst cases, old soldiers should be discharged without gratuity or pension. Every young soldier found drunk for duty or parade, should be tried immediately by Regimental Court-Martial, which should be empowered to inflict heavier punishments than at present, such as six weeks' hard labour. |
| *Lieut.-Col. Mein, 74th Foot* (West Indies) . . . . | Licences to canteens very injurious, as leading men into temptation, and giving them constant opportunity of drinking. An allowance of watered grog twice a-day might have a good effect. Recommends the establishment of a supper mess for men who will drink, expending their surplus pay daily in provisions for this mess. |
| *Maj. Crabbe, Depot, 74th Foot* | Recommends the doing away of the canteens in barracks, which are a complete nursery for drunkenness. Men who can enter them in any dress, would not be at the trouble of dressing to go into the town for the purpose of drinking. The establishment of a supper mess for drunkards has a good effect. |
| *Lt.-Col. England, 75th Foot* (Cape of Good Hope) . . | A soldier now avoids returning to his quarters till sober, to escape a record of drunkenness. Proposes that the fifty-first Article of War should contain a provision, for "four times absent without leave," in addition to that for four times drunk, this absence being when for duty, or parade or roll-call. |
| *Maj. Quill, Depot, 75th Foot* | The commanding officer should be empowered, the case being proved before three officers, to impose a fine, varying from 1*s*. to 5*s*. in all cases of drunkenness when not committed on duty, and confinement to barracks until the fine be paid. |
| *Major Clark, 76th Foot* (West Indies) . . . . . | Cannot suggest any remedy. |
| *Maj. Hutchinson, Depot, 76th Foot* . . . . . | The lower the rate of messing, the worse, as regards drinking, soldiers invariably behave. The distribution of much daily money among the men is therefore greatly the cause of crime. Never less than the full rate of messing, 4*s*. 11½*d*. a week for infantry, should by some means or other be expended, unless the man is much in debt. He suggests, therefore, a coffee mess in the evening, which would bring the men again into the barracks, and gradually wean them from the habit of meeting for tavern drinking. The time under the present system of fasting from one P. M. to eight o'clock the following morning, is much too long, and old soldiers constantly save something from their breakfasts or dinners on this account. Early dram drinking, absence from, and drunkenness during, parade, might be prevented by not allowing the men to go out of barrack till after breakfast. |
| *Lt.-Col. Bradshaw, 77th Ft.* . | It might possibly be further restrained by a summary method of fining the offender's pay |

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| | when drunk or absent for more than twelve hours, the absence being generally resorted to to avoid a registration of drunkenness. |
| *Major Douglas*, 78*th Foot* (Ceylon) . . . . . | Knows no other means than those in use for restraining it. With some, the encouragement of different descriptions of amusement, and the punishment immediately following the offence will operate; but there are some into whose minds no pride of character can be instilled, and amongst whom most of the punishments take place. |
| *Maj. Adams, Depot*, 78*th Ft.* | The sale of spirits in canteens should be prohibited, as many men are tempted to drink from the readiness with which it can be had, who would not take the trouble of dressing themselves to go out of barracks to procure it. Suggests the establishment of temperance societies, and can speak to the good effects of one in his own corps, there being but seven entries in the defaulters' book for three months, and the canteen man came to complain that the regiment drank so little he could not pay his rent unless civilians were admitted. He was induced to dissolve this society, having been informed that such societies were not countenanced at the Horse Guards. |
| *Lt.-Col. M'Dougall*, 79*th Foot* (Canada) . . . . . | Commanding officers should be empowered to impose, on their own authority, a fine of 2*s.* 6*d.* in every instance of a man being noted for drunkenness. The great causes of this vice he considers to be the total absence of amusement, and the present canteen system. Suggests the encouragement of all athletic exercises, the erection of ball courts, a room for dramatic performances, a room for reading, &c., the establishment of a supper mess as inducing the men to remain in the barrack. Strongly urges the prohibition of ardent spirits in the canteen, A neighbouring country (*America?*) has excluded malt liquor as well as spirits for some years entirely from barrack canteens, and, it is stated, with good effect. A canteen in barracks is a constantly existing temptation, into which canteen any soldier may run in undress, while he cannot pass the barrack gate without being dressed, and none but habitual drunkards would take the trouble to do this for liquor merely. He also forwards a report from a medical officer of the state of a detachment at Penetanguishene, from which it would appear that intemperance had completely destroyed all the energies of the men, had filled the guard-house with defaulters, and the hospital with sick, when the commanding officer of the regiment arrived at the post. By exhortation, and restrictions on the sale of spirits, the men were restored to their former good character, and altogether retrieved themselves. "About three months since," says the medical officer, "that nursery of drunkards, which even yet is, to the wonder of all good men, still a tolerated nuisance, the canteen, closed. A portion of spirits was served out daily to the men by a non-commissioned officer, and the experiment of doing away such a patronised pest as a canteen amply succeeded." |
| *Major Ferguson, Depot*, 79*th Foot* . . . . . | The old and confirmed drunkard it is impossible to reform; of the young some may be cured by attention and kindness, and others be deterred by severe measures. The best course for the commanding officer to adopt is to study the character and spirit of the men, and award punishment accordingly. |
| *Lieut.-Col. Pitt*, 80*th Foot* . | Proposes a separate room for drunkards, as stated in the answer to the preceding question. Strongly urges the establishment of savings' banks as a means of restraining this vice. The system of canteens is defective, and most injurious to discipline. The keeper paying a high rent, his profits must be derived from the sale of spirituous liquors, the sale of which by authority, as it were, is sufficient to hold out an encouragement to the soldiers to drink. The morning dram, which the habitual drunkard will procure while liquor is sold within the walls, is most to be deprecated. The sale of spirits should be prohibited in canteens, the beer should be supplied in kind. This might be done by the canteen keeper, who should also be allowed to sell groceries, eatables, tobacco, &c. |
| *Lt.-Col. Maclean*, 81*st Foot* . | Can suggest no other means than taking away a portion of the man's pay, whenever he is guilty of drunkenness. |
| *Lt.-Col. Hogarth*, 82*d Foot* . | Recommends the establishment of a defaulters' mess in every regiment, particularly for drunkards. |
| *Lt.-Col. Dundas*, 83*rd Foot*, (Nova Scotia) . . . . | Cannot suggest any means for eradicating it, unless indeed, by some legislative enactment, the price of ardent spirits were put at a price beyond the soldier's reach. "In this country a man can get drunk for 2*d.*, and in Ireland and Scotland for as little." The erection of ball courts, the appropriation of ground for quoits and cricket, the abolition of canteens, and the establishment of libraries might do something to restrain the propensity of the men to indulge in public houses. |
| *Maj. Trydell, Depot*, 83*d Ft.* | As men frequently absent themselves to avoid being noted for drunkenness, he proposes that Regimental Courts-Martial should be empowered to try cases of drunkenness and absence from quarters, and deprive offenders of a portion of their pay, from 1*d.* to 2*d.* a-day, for a period not exceeding one year, in addition to other punishment. |
| *Maj. Nicoll, Depot*, 84*th Foot* | It might be restrained by appropriating a part of the pay of soldiers addicted to drunkenness, to provide them with a pint of beer each with their dinners and suppers, or any other mode best calculated to reduce the pay of such individuals when complete with necessaries. |
| *Col. Warburton*, 85*th Foot* . | Can suggest no means to prevent this crime. |
| *Maj. Stuart*, 86*th Foot* (West Indies) . . . . . | Has no faith in the punishments of solitary confinement or hard labour, or even corporal punishment, as preventives of this degrading vice. Is sure that he has seen soldiers who would not, or could not, refrain from drinking to excess if the penalty of death stared them in the face. The system of trying for habitual drunkenness is most effectual with the less hardened, but it should be strictly and steadily pursued. Recommends that encouragement should be given to the soldier to save his money, and approves of temperance societies and of savings' banks. |
| *Capt. Creagh, Depot*, 86*th Ft.* | Is of opinion that the crime of drunkenness has been restrained of late years, and that it is still in progress of diminution. Attributes this to the loss of pay and service, consequent upon a conviction for habitual drunkenness. Strongly recommends the establishment of a supper mess when the prices of provisions will admit of it; and that defaulters' names should be removed from the defaulters' book after a certain period of good conduct. |
| *Lt.-Col. Streatfeild*, 87*th Foot*, (Mauritius) . . . . . | Can suggest nothing that would lead to the encouragement of a hope of eradicating an established propensity to drunkenness. He thinks that a few might be reclaimed if, after a period of probation, pardon, and oblivion of past offences, were granted. |

| OFFICER'S NAME. | ANSWER. |
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| *Capt. Doyle, Depot, 87th Foot* | Has found benefit result from what he describes as a drunken parade, or rather parade of drunkards, which was thus conducted. All the men, except those of orderly and sober habits, were paraded at taptoo for the inspection of their officers, every precaution being taken to prevent any man who might be drunk from being in any way irritated by non-commissioned officers or others. The men appeared to feel the disgrace of this exposure, and their conduct improved accordingly. |
| *Col. O'Malley, 88th Foot* (Mediterranean) . . . | Some means should be devised to guard against the concealment of drunkenness, and to ensure in every regiment the enforcement of the present law. Means of saving money should be afforded to the soldier, on the principle of savings' banks, and arrangements might be made, if it were thought proper, to prevent the soldier withdrawing the whole at once. If that be not approved, the soldier should be obliged to spend as much as possible of his superfluous pay. An extra meal, or supper, might be introduced with beneficial result, the fast between the dinner and the following breakfast being too long. An extra meal would benefit the soldier in health and discipline, and it would consume that superfluous pay which, in ninety-nine cases out of one hundred, is given for drink. He is also of opinion, that if the pension warrant of 14th November, 1829, be allowed to operate in favour of old soldiers who really merit their discharge, and such indulgence withheld from drunken characters, it would tend very materially to check this crime. He attaches much importance to this last observation. |
| *Maj. O'Hara, Depot, 88th Ft.* | Suggests confinement in defaulters' room on reduced diet, and small fines, at the discretion of commanding officer, when men are found drunk at any time, not on duty. |
| *Lt.-Col. Jones, 89th Foot* . . | Suggests the establishment of a separate mess for soldiers convicted of drunkenness at a much higher rate than other soldiers. This was authorized by Sir Hussey Vivian in Ireland to the full rate of messing, but it might be carried much higher. Commanding officers might be empowered to fine to a certain extent for drunkenness without Court-Martial. |
| *Lt.-Col. Arbuthnot, 90th Foot* | Much may be done by officers by advice, attention, and example, and great good has followed this practice in the 90th foot. |
| *Lt.-Col. Anderson, 91st Foot* . | Spirits should be prohibited in the regimental canteen. Every soldier should be charged 6*d.* for his rations. The rations for the 91st in 1833 cost on an average 3½ a-day, and at present it is somewhat cheaper; and whiskey can be bought for a penny a glass. Every soldier should draw rations at the above rate, except the regulated number of married people. All prisoners to be subsisted on 6*d.* a-day, and to receive the prison allowance, and no rations to be drawn for them. |
| *Lt.-Col. M'Donald, 92d Foot* (Gibraltar) . . . . . | It may in some degree be restrained by withholding the means of gratifying it; but it is too deeply rooted in the classes from which the army is recruited to be eradicated. |
| *Maj. Winchester, Depot, 92d Foot* . . . . . | Every offence of drunkenness should be at once followed by depriving the offender of all surplus pay remaining after his daily expenses, to be inflicted, remitted, or mitigated, at the discretion of the commanding officer, independent of any other punishment that may be administered by the commanding officer, or the sentence of a Court-Martial, and he gives a classification of the men to show how this would apply. |
| *Lt.-Col. M'Gregor, 93d Foot* . | The sale of ardent spirits should be prohibited in canteens. The objection, that if spirits are not sold within barrracks, they will be sought without, is true to a certain degree. But there are not many who would take the trouble to dress themselves regimentally (without which they could not pass the barrack gate) every time they had a desire for spirits. The canteen on its present footing is injurious in other respects both to the morals and comfort of the soldier. The great object seems to be to extract as much rent as possible from the canteen keeper, who seeks, in self-defence, to give every possible premium to drinking, and he is left not only without a competitor in the sale of liquor within the barracks, which is perfectly right, but he has also an exclusive monopoly for the sale of every article whatever. The consequence is, the soldier is either obliged to repair to the canteen, where he is plied with all temptations to drink, or to take the trouble of dressing himself, and to go a distance every time he wishes to purchase the most trifling article of comfort or necessity. All this would be obviated if hucksters were allowed to sell their humble wares about the barracks. The canteen system should be placed entirely under the control of those who, being responsible for the discipline of the troops, are naturally more interested than others in making the canteen serve as a check instead of an incentive to drunkenness. |
| *Lt.-Col. Paty, 94th Foot* . . | The best method of restraining the propensity to drunkenness, is depriving men of the means by stopping a portion of their pay; and the commanding officer might be allowed to do this, and a similar power should be given to Regimental Courts-Martial. |
| *Maj. Milner, Depot, 94th Foot* | The most efficacious mode of correcting the crime of drunkenness is by depriving the offenders of the means by forfeiture of pay to the fullest extent. Regimental Courts-Martial should have the power of fining a man one penny a day for a period of not more than six months, and not less than three months, not only for being drunk, but for any other crime committed whilst in a state of intoxication. Proposes also to establish messing at the full rate for habitual drunkards. |
| *Lt.-Col. Campbell, 95th Foot* | Is decidedly of opinion that the soldier has too much pay, and any means that could be adopted, occasionally, to deprive him of part of his pay, would be attended with advantage to the service. A separate mess for drunkards, where the whole of his pay might be laid out in eatables, would answer well, and he advises a systematic regulation on this head. Commanding officers should be empowered to fine magisterially for this offence. |
| *Maj. Wrottesley, Depot, 95th Foot* . . . . . | More attention should be paid to the character of recruits. Useful occupation and amusement should be found for the men by the encouragement of manly sports, and the establishment of libraries. Regimental savings' banks should be established. Every indulgence should be shown to the good soldier by furloughs or otherwise, by increase of pay or free discharge after a certain period of service, without committing a single act of misconduct, and by the grant of honorary distinctions or medals for uniform good conduct. |
| *Lt.-Col. Cairncross, 96th Ft.* (Nova Scotia) . . . . | Suggests that canteens in the barrack square be altogether done away with, or that they be prohibited from selling spirits under any circumstances. |
| *Maj. Hill, Depot, 96th Foot* . | As the stoppage of one penny a day has not had the desired effect, he proposes to increase the stoppage to twopence for the first conviction. |

| OFFICER'S NAME. | ANSWER. |
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| *Col. Hamilton, 97th Foot* (Ceylon) . . . . . | Refers to his answer to the preceding question. |
| *Capt. Smith, Depot, 97th Foot* | Suggests that for past conviction the offender should forfeit threepence a day for three months, and for a subsequent offence the period to be extended to a term not exceeding twelve months. Regimental courts to have power of inflicting this punishment. The crime of drunkenness has diminished, but that of absence without leave has increased, the men remaining out at night to avoid a record of drunkenness. He proposes a fine for this offence, and refers to his answer to the succeeding question. |
| *Lt.-Col. M'Caskill, 98th Foot* (Cape of Good Hope) . . | It is extremely difficult to suggest any means for restraining the propensity to this vice, into which a large proportion of the soldiery have been initiated at a period prior to their entering the service, although its inconvenience is not much observed upon before they become a distinct body, and are subject to discipline. So long as recruiting is carried on indiscriminately from the lowest classes, and discharge with ignominy is scarcely looked upon as a punishment, so long will this habit continue to be indulged in by our Army. Early dismissal of the worthless, and a sure and liberal pension to the good, might do much in time towards the desired object. |
| *Maj. Le Marchant, Depot, 98th Foot* . . . . . | Commanding officers should have power to award seven days' treadmill, in addition to defaulters' room. Greater powers should be given to Regimental Courts-Martial, and authority to stop the soldier's pay for the day he is proved to be drunk, or the day or days of absenting himself. The man in defaulters' room should be placed on bread and water with sixpence a day, which would materially contribute, by effect and example, to create a better feeling in the troops. |
| *Lt.-Col. Johnston, 99th Foot* (Mauritius) . . . . . | Recommends the establishment of a supper mess. |
| *Maj. Macpherson, Depot, 99th Foot.* . . . . . | Can suggest no means beyond those already in force, *viz.*, depriving a soldier of part of his pay. But the only effectual mode of eradicating this vice would be the enlistment of a better description of men. |
| *Major Hope, 1st Batt. Rifle Brig.* (Nova Scotia) . . | Fines, with the certainty of the punishment immediately following the crime, would be found most effectual in restraining this propensity. The establishment of a provost marshal at each station would be most effectual in restraining crime of every description. |
| *Lieut.-Col. Eeles, Depot, 1st Battalion, Rifle Brigade* . | The best punishment for this crime is the mulct of a portion of pay. Temperance societies have been found very beneficial; but as these societies cannot be carried on unless the members are allowed to meet and pass censure, nothing of the kind could be safely allowed to exist in any regiment. A canteen in barracks is the chief, certainly the primary cause of drunkenness in the Army. The quantity of spirits that is consumed every morning in canteens, even before morning parade, is quite inconceivable. Knows no measure so likely to be attended with benefit as the total abolition of canteens. It is a great error to suppose that men are kept in barracks by the canteen. It is in the morning before dinner that the greater part of the liquor is sold in canteens. After parade the men seldom enter the canteen; they then go to their favourite houses in the town. |
| *Col. Brown, 2d Batt. Rifle Brigade* (Mediterranean) . | It is a mistake to suppose that this vice is at all on the increase, or that it has not considerably diminished of late years in the Army. The offence is more brought under notice, but in any well regulated battalion there is not half as much drunkenness as there was five years ago. He attributes the improvement entirely to the measures that have been adopted to punish habitual drunkenness, and the system which has been speedily followed of confining and punishing all men found drunk at whatever hour or howsoever employed. There is, however, a want of uniformity of practice in the different corps in regard to the punishment for this offence. He has seldom found men who have had their pay restored for subsequent good conduct relapse into inveterate habits of drinking, and he considers the judicious application of this power on the part of the commanding officer the most valuable part of the regulation on this head. Habitual drunkenness should however be cognizable by regimental Courts-Martial, not only because the delay which attends the assembly of a Garrison Court would be avoided, but because there would be more uniformity in the sentences. |
| *Capt. Gosset, Depot, 2d Batt. Rifle Brigade* . . . . . | "I am not." |
| *Lt.-Col. Doherty, 1st W. In. Regiment* (West Indies) . | This desirable object may be essentially promoted, 1st, by caution with respect to recruits received; 2nd, by discontinuing the canteen system; 3rd and principally, by employment. Experience has shown that health and discipline are promoted in the West Indies by employment directed by zealous officers. |
| *Lt.-Col. Nicolls, 2d W. In. Regiment* (West Indies) . | Recommends that all soldiers found drunk on or for duty should be corporally punished, and their pay stopped, not for any specific period, but for the first offence, nine months' uninterrupted good conduct should be required before the stoppage be discontinued; for the second offence, eighteen months; and for the third, he should be for ever deprived of his increased pay. For casual drunkenness, hard labour and stoppage of all pay but what would subsist him during his sentence would be the most effectual method of putting a stop to the vice. |
| *Major Fletcher, Ceylon Reg.* (Ceylon). . . . . | Drunkenness is of rare occurrence in the Ceylon Rifle Regiment. |
| *Maj. Burney, Cape Riflemen* (Cape of Good Hope) . . | No. The present rule of forfeiture of pay is the most efficient if carried into full effect. |
| *Maj. de Piro, Malta Fencibles* (Malta) . . . . . | "The Maltese soldier is not given to drunkenness." Suggests forfeiture of a portion of pay beyond all but a mere subsistence, and that the offender should not be re-established in his full pay until he had shown satisfactorily a change of conduct. |
| *Maj. Du Bourdieu, Provis. Batt.* . . . . . | No instance of drunkenness should ever be permitted to pass unnoticed. For the first offence admonition might be tried. For the second, and if accompanied by disorderly conduct, he should be subjected to Court-Martial. If no reformation were brought about he should suffer the penalties of habitual drunkenness. The power given to Regimental Courts-Martial of stopping 1*d.* a day has been beneficial. The drunkard on every opportunity should be held up to his comrade as incapable of trust. The sale of spirits should be pre- |

| OFFICER'S NAME. | ANSWER. |
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| | vented in the canteens to which the soldiers can resort in undress, while he is obliged to dress to go out of barracks. |
| *Lt.-Col. Brunton*, 13*th Light Dragoons* (Madras) . . | Is of opinion that the propensity to drunkenness is gradually and generally on the decline; and that it exists only among the old soldiers, who volunteer from regiment to regiment in India. The most effectual means of checking it have been increasing the difficulties of men purchasing liquor any where but in their own canteens, and so regulating the issue of their pay that the men should never have large balances to receive. The accumulation of a man's balance in hospital is a serious evil, as it sometimes amounts to a large sum, and it is impossible under the present regulations so to apportion it as not to leave it in the power of the man on coming out to indulge in drink. Such balances should be kept low, or even expended for the benefit of the man. If the whole were expended on their comfort they would still have great advantages over the working classes of society, who, by the expenses of a long sickness, are frequently reduced to great distress. Such an arrangement would deter men from running risks, which might lead to a long continuance in hospital, when they would no longer have the cheering prospect of a large balance accumulating for them. |
| *Lieut.-Col. Dennis*, 3*d Foot* (Bengal) . . . . . | The system of fine or stoppage is as good as any that can be suggested, but it would act better if the commanding officer had the power to inflict them without Court-Martial. The introduction of the canteen system in India has been productive of much drunkenness and frequent sale of necessaries. There is double the crime now in all India that there was previously to the establishment of canteens. |
| *Lieut.-Col. Custance*, 9*th Foot* (Mauritius) . . . . . | The fifty-first Article of War is defective, inasmuch as it makes no distinction between the worst character and a good soldier. By it, a good soldier who may have his name four or five times in the good-conduct book, must be brought to a Court-Martial if he gets drunk four times within one year and commits no other offence. This has a very bad effect on the better part of the men. Does not consider drunkenness more prevalent now than for the last twenty-five years, but it is brought more into notice by the fifty-first Article of War, the operation of which does not tend to diminish it. Some good and secure mode for the soldier to deposit his little monies would be likely to diminish crime. Suggests savings' banks. |
| *Lieut.-Col. Green*, 20*th Foot* (Bombay) . . . . . | The punishment for this most prevailing crime should be rendered certain, constant, and immediate, and no consideration arising from length of service or previous good conduct should be admitted except in mitigation of punishment. Suggests that a register should be kept by each company of the number of offenders, and that those of the company which exhibited the fewest culprits should be released. He considers that this would excite a spirit of emulation among the men, and make it a general object of ambition to have as few punishments as possible. |
| *Lieut.-Col. Piper*, 38*th Foot* (Bengal) . . . . . | In India it is almost impossible to restrain the drunkard, spirits being so extremely cheap. The only means he has found at all beneficial, have been to spend as much as possible of the soldier's pay for eatables and comforts. |
| *Major Poole*, 39*th Foot* (Madras) . . . . . | Great advantage would result to the service from the introduction of an uniform system of rewards and honorary distinctions, the former to be conferred on men especially recommended, on their discharge; the latter to be distributed at the discretion of the commanding officer. Suggests the introduction into each regiment of an order of merit, the member wearing a silver medal. |
| *Lieut.-Col. Boys*, 45*th Foot* (Madras) . . . . . | Can only suggest that Regimental Courts-Martial should have the power of depriving the delinquent of a proportion of his pay for short periods, upon all convictions of drunkenness, when the crime is committed upon duty. |
| *Lieut.-Col. Fane*, 54*th Foot* (Madras) . . . . . | Depriving the soldier of part of his pay is the best mode to stop this propensity, and it appears to have had the best effect in several instances. |
| *Major Hunt*, 57*th Foot* (Madras) . . . . . | It is difficult to suggest any effectual means in this country, where the soldier can drink to excess for 2*d*. Recommends the strictest attention to daily payments, and the disbursement of as much as possible of the soldier's pay for necessaries and comforts, and the strongest encouragement of savings' banks. |
| *Major Cramer*, 62*d Foot* (Madras) . . . . . | Suggests temperance societies, which, if countenanced by authority, might be of some service in checking this prevalent propensity, aided by an uniform system of regimental savings' banks. |
| *Major Pritchard*, 71*st Foot* . | Canteen keepers should be restricted to sale of beer only. If he sell spirits to soldiers or civilians he should forfeit his licence. Suggests fines for drunkenness, (*see answer to succeeding question,*) and refers to his opinions on rewards. |

General Observations.

| OFFICER'S NAME. | GENERAL OBSERVATIONS. |
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| *Maj-Gen. Sir T. M'Mahon* | No recruit should be enlisted in peace time without a character. |
| *Maj.-Gen. Sir H. Bouverie* | A system of rewards should be introduced, and an intermediate scale of pay for lance serjeants and corporals, in the proportion of one serjeant and two corporals a company. Some distinction for sobriety and good conduct should be established, and an extra penny a-day allowed after a certain number of these. |
| *Col. Sir L. Greenwell.* | The frequency of Courts Martial tend to diminish the respect of the soldier for that Court. |
| *Maj.-Gen. Hon. P. Stuart* | More circumspection should be used in ascertaining the character of the recruits. |
| *Maj.-Gen. Thornton* | Company Courts-Martial, consisting of a serjeant, two corporals, and two privates, for the trial of minor offences, and for inflicting minor punishments, amongst others *cobbing*, should be legalized. |
| *Maj.-Gen. Sir E. Blakeney* | Fives should be established in the vicinity of barracks, and rooms for amusement apart from the canteen. More power should be given to commandiug officer as to confinement in black holes. Courts Martial should be less frequent, so as to re-establish that feeling which formerly attached to them. Encouragement and hope of promotion to adjutants, quartermasters, provost and town adjutants, should be given to non-commissioned officers. Honorary distinctions and rewards for good conduct should be established. Forfeiture of portion of pension for offences should be inflicted, and there should be more frequent dismissals of the irreclaimably bad men. |
| *Maj.-Gen. Sir Jas. Douglas* | There is one great evil that baffles all vigilance in the officer, and subverts all discipline in the soldier; that is, the quantity of money the men have at their disposal,with no rational means of getting rid of it. |
| *Maj.-Gen. Macdonell* | Premiums should be given for good conduct. Our penalties for misconduct are numerous and severe, but there is little to stimulate to exemplary conduct. |
| *Major-Gen. Sir Col. Campbell* (Nova Scotia) | The soldiers of a regiment should be classed, with immunities, privileges, and prospective advantages, attached to the first class. The powers of commanding officers should be enlarged so as to supersede the necessity of frequent Courts-Martial. Encouragement and punishment should go hand in hand; if the first be increased, the second may safely be diminished. But a different course has been pursued, for, while punishment has been restricted within limits which demand the exercise of much judgment and experience for the effectual maintenance of discipline, rewards, incentives to good conduct, instead of increasing in proportion, have undergone corresponding diminution. "In ordinary times "the effects of such a change may not be felt, but in the day of difficulty, and trial of a "soldier's virtue, what may be the consequence?" |
| *Major-Gen. Sir Lionel Smith* (West Indies) | The service should not be burthened with men convicted of disgraceful conduct, thefts, and so forth, or men who are of known vicious and irreclaimably bad character. They should be discharged with ignominy. |
| *Col. Arthur* (Van Diemen's Land) | Recommends the practical enforcement of a correct system of rewards and punishments, supported by that high moral influence dependent upon a judicious selection of officers of high character and strict moral principle. Unless the good effects of the precepts issued by the officer be evident in his own daily conduct little can be accomplished, for the officer possesses a more direct control over the soldiers under his command than the landlord can exert over the peasantry in his fields, or the manufacturer over the labourers whom he may employ. The possession of military power should be intrusted to those most likely to afford the influence of good example. This applies more particularly to commanding officers. It is essential that an officer so placed should be thoroughly informed upon matters connected with his profession, and possessing,with intelligence, that mixture of decision and mildness of character which are the fruits of a mind habitually regulated by religion and moral principle. Soldiers are generally recruited from the lowest dregs of the community, and are often allured into the service by means of dissipation. He recommends that what is so bad in principle should at all hazards be abandoned; but, till this is done, it is more essential that there should be a high tone of principle in commanding officers to correct the gross material of which the Army, generally speaking, is composed. "I have said that education is "essential, as well as moral character, and so it is: look into the habits of the officers of "almost every regiment in His Majesty's service; how are they formed? Do men study at "all after they get commissions?—very far from it: unless an officer is employed in the "field, his days are passed in mental idleness—his ordinary duties are carried on instinc-"tively—there is no intellectual exertion. To discuss fluently upon women, play, horses, "and wine, is, with some excellent exceptions, the ordinary range of mess conversation. "In these matters lies the education of young officers, generally speaking, after entering "the service." The junior officers should be required to prosecute such studies as may be best calculated to enlarge their minds and improve their judgments, and their progress even in their corps should be made dependent upon their acquirements, professional or otherwise. Admitting the character of the recruits to be too generally what he has described it, and that there must be a multitude of characters to be deterred from crime only by the terrors of punishment, he contends that even in such men reform to a very great extent might be expected, or crime at least abated, if preventive measures were resorted to, and these can be hoped to flow only from a well-regulated corps of officers. "If the officers were not seen so habitually walking in the streets in every garrison town, "the soldiers would be less frequently found in public houses." For the non-commissioned officers he recommends similar measures of instruction; and complains of the general incapacity of the serjeant schoolmaster, who should be a person of altogether higher caste than any now employed, and should rank with the quartermaster, so as to give him more influence. Every commanding officer should be enjoined to consider the business of the regimental school an object of his daily regard, quite as important as the duties of the parade. With respect to the private soldiers, he considers that punishment is unjustifiable, unless it can be shown that every proper measure for the prevention of crime has been previously used. "Punishment, I apprehend, is properly resorted to, not as a "just vengeance upon the offender for the crime of which he has been guilty, but as an "example to deter, while he himself is corrected, other soldiers from transgressing the |

| OFFICER'S NAME. | ANSWERS. |
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| *Lt.-Col. Story, 3rd Dn. Gds.* | Yes, in cases of drunkenness, and for a dragoon to the amount of 4*d.* a day. |
| *Lt.-Col. Chatterton, 4th Dn. Guards* | In all cases of drunkenness the commanding officer should have a discretionary power to mulct a soldier of his pay, and no soldier should be paid when absent from duty through misconduct. |
| *Maj. Scarlett, 5th Dn. Guards* | Fines might be inflicted, particularly in the cavalry, for drunkenness and absence. The fine to be three days' pay and one month's beer for every day of absence, and in cases of drunkenness, the man to be placed on 6*d.* a day only for ten days, and forfeit one month's beer money for each act. The amount of the fines to be divided equally among the deserving soldiers. |
| *Lt.-Col. Wildman, 6th Dn. Guards* | It would not be advantageous, as the men addicted to intemperance are always in debt: and any fine would only embarrass the captain of the troop. |
| *Lt.-Col. Clark, 7th Dn. Gds.* | There is no point on which the soldier is so tenacious as his pay. No part should be stopped while he is doing his duty, except for debts, but while in confinement or absent from duty he should be pinched as much as possible. |
| *Lt.-Col. Somerset, 1st Dns.* | Absence without leave should, by Articles of War, invariably entail forfeiture of pay, as a matter of course, and for every twelve hours of absence half a day's pay, whether tried or not. |
| *Maj. Wyndham, 2nd Dragoons* | Curtailing the soldier's pay will in no way benefit the service; very little is gained by the present forfeitures. Absence without leave increases, to avoid trial and penalty for drunkenness; witnesses are even called to prove that the absentee returned sober. |
| *Lt.-Col. Stisted, 3rd Light Dragoons* | Fine for drunkenness and absence without leave. In the latter case according to the following proportions: absent six hours, and less than twenty-four, half a day's pay; twenty-four, and less than thirty, one day's pay; and for every six hours, after the first twenty-four, one quarter of a day's pay, without Court Martial. |
| *Lt.-Col. Fendall, 4th Light Dragoons* (Bombay) | Approves of forfeiture of pay for drunkenness. Thinks the present rate of 1*d.* a day sufficient for infantry, but it might be 1½*d.* for cavalry. |
| *Lt.-Col. Madox, 6th Dragoons* | A fine is a particularly appropriate punishment for drunkenness, either with or without a certain term of drill, but not appropriate for any other crime. |
| *Lt.-Col. Hill, 7th Light Dns.* | Does not recommend any greater forfeiture than is already prescribed. But a man ought, under certain cases, to lose his pension on discharge. |
| *Lt.-Col. Molyneux, 8th Light Dragoons* | The system of fines could only be beneficially applied to drunkards, and to them it might be extended to any amount which would not interfere with the supply of necessaries. |
| *Lt.-Col. Campbell, 9th Light Dragoons* | Fines to the amount of 3*d.* or 4*d.* a day, in cases of drunkenness only, might be beneficially imposed on the cavalry. |
| *Lt.-Col. Lord T. Cecil, 10th Light Dragoons* | Would not have a beneficial effect; the man would sell his necessaries or run in debt. |
| *Lt.-Col. Brutton, 11th Light Dragoons* (Bengal) | Sixpence a day might be stopped from drunkards' pay in cavalry regiments in India. All his observations apply to service in that country. |
| *Lt.-Col. Stawell, 12th Light Dragoons* | Only for drunkenness and absence from duty. |
| *Lt.-Colonel Townsend, 14th Light Dragoons* | If fines were small, and not levied through sentence of a Court Martial, it might succeed. If large, comrades would make it up, or captain pay it to keep his troop books clear. |
| *Lt.-Col. Badcock, 15th Light Dragoons* | Does not advocate deprivation of pay except for the supply of necessaries. In effect to fine a man already in debt is throwing the charge upon his captain. |
| *Lt. Col. Lord Bingham, 17th Light Dragoons* | The present practice of stopping pay might be extended beneficially, if limited to drunkenness, absence without leave, and prisoners during confinement. Habitual drunkenness should be tried by Regimental Court Martial, and it should be imperative upon the Court to deprive a man of 1*d.* a day for the full period of two years. The same Court to try all cases of drunkenness on, or for duty, on parade, or line of march, and to sentence forfeiture of 1*d.* a day for not less than three and not exceeding six months. The extent of forfeiture might be 4*d.* a day for cavalry, and not 3*d.* as at present, and all increased pay for length of service in addition. Strongly recommends that for all absence without leave, whether brought to trial or not, the pay of the days of absence should be forfeited. |
| *Col. Sir J. Woodford, Gren. Guards* | Is of opinion that it is contrary to the condition which the soldier makes with the Crown that any part of the pay should be stopped, except when in a state of desertion, in prison, or in confinement under a judicial sentence after it is promulgated; but while for common irregularities, or occasional inebriety, the soldier is confined to barracks, and does his guards, and all the soldier's duty, he has a right to all his pay. In his judgment a soldier would be entitled to his discharge if any part of his pay were so withheld. |
| *Col. Fremantle, Coldstream Guards* | The only vulnerable point in which the conduct of a British soldier can be moved is by attacking his pay. If the officer is absent without leave he is deprived of his pay, and so should the soldier. It seems unreasonable that a man on his return should have a premium for absence by receiving his pay for the period. The labourer never thinks of demanding his wages for days of absence, and why should the soldier? The practice was adopted in this regiment, and with good effect. Commanding officers should have power to stop half a day's pay for twelve hours' absence, without Court Martial. |
| *Col. Keate, Scots Fus. Guards* | Fine or mulct, beyond that of forfeiture of pay for absence, might not be beneficial, as it would have a tendency to make a soldier reckless of consequences. But as it seems essential to the well-being of the army that there should be a power vested somewhere to get rid of bad men, it might be advisable to authorize a Court Martial to stop from the pay of an incorrigible offender a portion until it accumulated to the amount of bounty for a recruit. If again tried he might be discharged and marked, and the sum paid over to the public to cover the expense of the recruit. If he reformed it should remain in a savings' bank, to be paid on his discharge, or to his representative when he died. |
| *Lt.-Col. Carter, 1st Battalion, 1st Foot* (West Indies) | Yes, particularly for drunkenness and absence without leave, not, however, to exceed 3*d.* a day. Commanding officers to have power to fine for less than a day's absence; for longer period recourse should be had to a Court Martial. |
| *Lt.-Col. Wetherall, 2d Batt. 1st Foot* | As drunkenness has decreased, absence has increased. The commanding officer should have power to impose an arbitrary fine of the day's pay for absence, if absent more than twelve hours. |

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| *Maj. Deuchar, Depot, 1st Ft.* | Might be imposed for habitual drunkenness to the amount of 3*d.* a day. |
| *Capt. Jackson, 2d Foot* (Bombay) | Yes, for drunkenness. |
| *Lt.-Col. Breton, 4th Foot* (New South Wales) | It would be highly advantageous if a Regimental Court Martial could award a fine, of, at most, 2*d.* a day, for a period not exceeding six months, for habitual drunkenness. |
| *Lt.-Col. Sutherland, 5th Foot* (Mediterranean) | Commanding officer should have the power to fine 5*s.* for each act of drunkenness; Regimental Courts Martial to the extent of 40*s.* for drunkenness, insubordination, dishonesty, filthiness, immorality, and absence from duty or parade, in addition to stoppages to which soldiers are at present liable. Captains of companies should not, however, suffer by such men becoming non-effective before fines are paid up. |
| *Maj. Lord C. Wellesley, Depot, 5th Foot* | Does not think that a fine, as a punishment, could be beneficially awarded to military delinquents. |
| *Lt.-Col. Farquharson, 7th Ft.* (Mediterranean) | The increased pay which is now given for length of service only, should only be granted to such as are deserving of it, in the opinion of a board of officers. (*See General Observations.*) |
| *Maj. Lord W. Thynne, Depot, 7th Foot* | For drunkenness only, and it would be better to inflict the full forfeiture of 3*d.* a day for six months, than the 1*d.* a day for a year or two. |
| *Lt.-Col. Cathcart, 8th Foot* (Jamaica) | Would prefer a fine for drunkenness off duty of not less than 1*s.* nor more than 3*s.* a board of three officers, viz. one commanding the company, and two not belonging to the company, to fix the amount. |
| *Capt. Machen, Depot, 8th Foot* | If, for repeated drunkenness, a soldier were fined a portion of his pay, not exceeding 3*d.* a day, it might be beneficial. |
| *Maj. Champain, Depot, 9th Foot* | Soldiers rejoining from desertion should be placed under stoppages to cover the expense of escort. Courts Martial should be empowered to stop pay of men constantly in hospital, through their own dissipation or neglect, from malingerers, or men who tamper with their eyes or health. |
| *Lt.-Col. Freer, 10th Foot* (Mediterranean) | Would be liable to cause dissatisfaction among soldiers performing duty for crimes not brought on by intemperance. |
| *Maj. Allen, Depot, 10th Foot* | It would have an excellent effect if a man were fined summarily his day's pay when drunk, and if attended with disorderly conduct the fine should be doubled. Deserters should be obliged to pay the whole expenses of the party and route by which they marched back to their corps. |
| *Maj. Derinzy, 11th Foot* (Mediterranean) | For many crimes connected with drunkenness a fine might be beneficially imposed, the smaller ones by the commanding officer, and the greater by sentence of Regimental or Detachment Courts Martial. The law, as now laid down, against drunkenness should be strictly enforced, but the number of acts to constitute habitual drunkenness might be extended in wine countries. |
| *Lt.-Col. Bisshopp, Depot, 11th Foot* | Recommends forfeiture of pay for 48 hours every time a soldier gets drunk, or is drunk and absent from parade. Why should not the soldier forfeit his pay as the civilian does? |
| *Lt.-Col. Turbervill, 12th Foot.* | Is decidedly of opinion that 2*d.* or 3*d.* a day should be deducted for a certain number of days in cases of drunkenness, absence from parade, or neglect of duty. |
| *Lt.-Col. Sale, 13th Foot* (Bengal) | It would be a very good punishment, and should be carried, particularly in India, to the greatest possible length, and always awarded for drunkenness. |
| *Lt.-Col. Everard, 14th Foot* | Nothing affects the soldier so sensibly as fine or forfeiture of a portion of his pay, and when judiciously exercised, the most beneficial effects would result. But Courts Martial would have great difficulty in deciding upon the amount, as they could not know the man's position with his captain, and might throw a loss upon him; the commanding officer, only, exercising the functions of a magistrate, could properly determine the amount which would punish the offender without prejudice to his officer. |
| *Lt.-Col. Horton, 15th Foot* (Canada) | Does not think that any greater fine than at present, 3*d.* a day, can be imposed without inconvenience to the service, by throwing the man so much in debt. |
| *Maj. Drought, Depot, 15th Ft.* | Has no doubt that it would have the best possible effect, from the present result of the system of stoppages for habitual drunkenness. The system might be extended to such offences as absence from taptoo, and remaining out of barracks all night, improper language to non-commissioned officers, disposing of regimental necessaries. |
| *Lt.-Col. Campbell, 16th Foot* (Bengal) | Commanding officers have already the power of stopping the liquor money; this renders any other description of fine unnecessary, at least in India. |
| *Lt.-Col. Despard, 17th Foot* (New South Wales) | Does not think it would have any effect in repressing the propensity to drinking, as the drunkards are always in debt, and a fine would fall upon his officer. In New South Wales, where labour is highly paid, and extreme drunkenness a prevalent vice, the soldiers are frequently enticed by the labourers to drink. |
| *Col. Burrell, 18th Foot* | It would have a good effect if a soldier could be summarily fined for drunkenness, as a civilian is, without having recourse to Court Martial. |
| *Lt.-Col. Hardy, 19th Foot* (West Indies) | Does not think that any further fines could be introduced than those at present in use, except, indeed, for men who spend most of their time between the hospital and the guard-house, for whom he would propose that instead of the usual hospital stoppage, the full amount of pay should be forfeited. |
| *Maj. Raper, Depot, 19th Ft.* | Is of opinion that a system of fines would tend more to diminish crime than any other that could be devised. Proposes to invest the commanding officer with power to fine for drunkenness, and absence without leave. |
| *Lt.-Col. Leahy, 21st Foot* (New South Wales) | Not more than is authorized by the existing regulations. |
| *Captain Keappock, 22d Foot* (Jamaica) | Offenders might be sentenced to be deprived of a portion of their pay, varying from a third to a half, for any period not exceeding three months, for drunkenness or insubordination arising therefrom. |
| *Maj. Pennefather, Depot, 22d Foot* | The forfeiture of pay for drunkenness has produced good effects, and he would desire to have it extended to other crimes to the extent of 3*d.* a day: but the deduction should be made from that portion of pay set apart for the messing. |

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| *Lt.-Col. Harrison*, 23*d Foot* (Gibraltar) | Is quite of opinion that a system of fines might be beneficially adopted instead of imprisonment for drunkenness, absence without leave, and neglect of duty: but the fines should be larger in amount than the present scale, and extend over a shorter period. A soldier should forfeit his pay for the day on which he failed to do his duty, from negligence or design, on the same principle that a mechanic or labourer is not paid by his employer for the time he idles. |
| *Major Ross, Depot*, 23*d Foot* | Considers the present mode of proceeding, as laid down in the Articles of War, sufficient. |
| *Colonel Tidy*, 24*th Foot* (Canada) | Fines may be beneficially awarded in all cases of absence without leave, drunkenness other than habitual, and to the extent of 3*d.* a day from one day to thirty days. |
| *Major Kelly, Depot*, 24*th Ft.* | In cases of drunkenness only, as at present practised. |
| *Major Young*, 25*th Foot* (Demerara) | None besides the additional powers to the 53rd Article of War, referred to in the answer to the previous question. |
| *Maj. Priestley, Depot*, 25*th Foot* | Commanding officer or board of officers might be empowered to award a fine of from 1*d.* to 3*d.* a day for delinquencies committed in a state of intoxication by young soldiers not habitual drunkards, for a period from one day to one month. Courts Martial, including Regimental Courts, should have power to deprive a soldier of 3*d.* a day, instead of 1*d.* only for habitual drunkenness. It would be desirable to make a soldier pay up his duties that have been taken by his comrades during the time he has been in confinement. |
| *Lt.-Col. Oglander*, 26*th Foot* (Bengal) | Certainly Court Martials are too frequent, and the disgrace which should attend them is diminished. The minor punishments formerly in the power of the commanding officer have been unwisely reduced. The commanding officer should be empowered to fine an offender for the first act of drunkenness 2*s.* 6*d.*; for the second act 3*s.* 6*d.*; and for the third, 4*s.* 6*d.*; to be deducted at the daily rate of 2*d.* a day from his daily pay in the first instance, and at 3*d.* daily for all subsequent instances. For fourth case, within twelve months, the commanding officer should exercise his discretion whether to call a Court Martial, or continue the fine at 4*s.* 6*d.*; but if an interval of three months had intervened the fine should not exceed 3*s.* 6*d.*, and for four months 2*s.* 6*d.* The stoppage under sentence of Court Martial should be 4*d.* a day, but not to be repeated till the first had expired. The forfeits to be held in trust, and after twelve months free from drunkenness to be restored in necessaries, or deposited in part purchase of an annuity. If not restored, to go to a fund for the improvement of good soldiers' pensions. For making away with necessaries, Courts Martial should not be used. Such men should forfeit the half of their pay and their beer-money till the loss was made good, and they should be messed by themselves on bread and potatoes merely. For minor offences beer-money should always be liable to stoppage, not exceeding twelve days, for any one offence. These sums should be also susceptible of restoration. |
| *Lt.-Col. Hare*, 27*th Foot* | Where a man has shown himself to be incorrigible, he might be sentenced to serve without pay beyond his subsistence, until the amount of bounty for a recruit has accumulated, when he might be discharged as incorrigible, leaving it always open to the commanding officer to recommend his restoration on his showing amended conduct. |
| *Maj. French*, 28*th Foot* | A soldier drunk on duty should, in place of imprisonment, forfeit all pay above messing and washing, for first offence, for thirty days; for second, sixty days; for third, ninety days, and so on. |
| *Lt.-Col. Simpson*, 29*th Foot* (Mauritius) | Except in cases where a soldier is absent from his duty, either without leave, or in consequence of imprisonment under sentence of a Court, he ought not to be deprived of any portion of his pay. |
| *Maj. Walter, Depot*, 29*th Foot* | Only in cases of drunkenness. |
| *Lt.-Col. Robinson*, 30*th Foot* (Bermuda) | It would not be beneficial to extend the present system of fines. Men who do not receive any pay from month to month get drunk: their comrades treat them, or they sell their necessaries. |
| *Maj. Ormond, Depot*, 30*th Ft.* | Would fine absence from parade 1*s.*; after taptoo one hour 1*s.*; if returned before 12 o'clock 2*s.* 6*d.*; absent all night, or after 12, 5*s.* to be inflicted on conviction before commanding officer, without Court Martial. |
| *Maj. Bolton*, 31*st Ft.* (Bengal) | Does not think such a system would be advantageous. |
| *Maj. Wingfield*, 32*d Ft.* (Canada) | May be beneficially awarded both instead of, and in addition to, imprisonment, and perhaps to the present amount of 3*d.*, or at most 4*d.* a-day. It would be applicable to drunkenness and all crimes arising from the fact of the soldier having too much money to spend; but to be available, the Regimental Courts Martial should have the same power as the District Courts, and the remission of the sentence, and the periods of its being enforced, left to the discretion of the commanding officer. The wants of a soldier vary so much in different climates that this punishment would not always be convenient; for instance in Canada, when winter clothing is to be provided, such a stoppage would cause a heavy debt. Some fine might be affixed as a certain consequence to a specified number of cases of drunkenness, and inflicted by commanding officer without Court Martial. Defaulters' room confinement should involve forfeiture of balance of pay; at present it accumulates, and the men on being released are almost sure to commit another act of drunkenness. |
| *Maj. Palk, Depot*, 32*d Foot* | Sufficient has been done in this respect, as fining might be carried too far and engender feelings of discontent. Ten pence a-day will barely keep a soldier in necessaries and diet; but it might be made imperative on all commanding officers to compel the men given to drink to expend the full amount regulated for messing. |
| *Lt.-Col. Knight*, 33*d Foot* | For drunkenness only. A fine of 5*s.* for being drunk on duty, or the line of march, 2*s.* 6*d.* on parade, and 1*s.* for appearing drunk at any time of the day. |
| *Lt.-Col. Fane*, 34*th Foot* (New Brunswick) | It would be a very good punishment for all crimes which are the effect of drunkenness. But heavy fines of 2*d.* or 3*d.* a-day, for short periods, would answer best. |
| *Capt. Brisbane, Depot*, 34*th Ft.* | A fine or mulct of pay would not of itself be a sufficient punishment for a soldier guilty of a crime for which it would be thought expedient to bring him before a Court Martial. |
| *Lt.-Col. Goldie*, 35*th Foot* | The fine or mulct of that portion of pay which exceeds their subsistence would be heavily |

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| | felt by the soldiers, and therefore beneficial to discipline. It might however cause one serious crime, that of selling necessaries. The fine should not exceed in amount 20*s.* and that only in cases of drunkenness. |
| *Major Cairnes*, 39*th Foot* (West Indies) . . . . | All men under punishment for delinquencies arising from intoxication should forfeit all surplus of pay above messing and washing. Proposes that the whole of a man's pay should be stopped while in hospital. Men returning from hospital, to which their own vice has frequently sent them, receive often a large arrear of balance of pay, which they generally spend in drunkenness. |
| *Capt. Hare, Depot*, 36*th Foot* | Fining is certainly an efficacious punishment in addition to imprisonment, but it would not do instead. The extent to which a man's pay might be reduced must depend upon the price of food. A soldier should be in receipt of 4*d.* a-day to defray the expense of regimental necessaries. |
| *Major Manners*, 37*th Foot* (Jamaica) . . . . . | A soldier deprived of any portion of his pay becomes an object of commiseration to his comrades. A commanding officer should have the power of confining a man eight or ten days in the cells, instead of forty-eight hours. Courts Martial should never be resorted to except for serious offences. |
| *Maj. Kell, Depot*, 37*th Foot* . | The present system of punishment and occasional forfeiture of pay may be very beneficially adopted, but more particularly in cases of drunkenness. |
| *Major Jebb*, 40*th Foot* (Bombay) . . . . . | Stoppage of pay is an excellent punishment, as it does not render the soldier non-effective, which is the case with imprisonment. Stoppage of pay should always be awarded in the first instance, and it would be advantageous if Regimental Courts Martial possessed the power generally. |
| *Col. Sir E. K. Williams*, 41*st Ft.* (Madras) . . . . . | Most assuredly for drunkenness and making away with necessaries. Any soldier who attempted to make away with his necessaries should be fined half a rupee a month, and this should go towards the purchase of a black box to keep the necessaries of such men in, and their names should be painted on the box in white letters. |
| *Lt.-Col. Sir C. Gordon*, 42*d Foot* (Mediterranean) . . | The only change he would think it advisable to make would be to extend the power of inflicting a fine to Regimental Courts Martial, or even to Courts of Inquiry composed of one field officer, one captain, four subalterns, or in the absence of the former, of one captain and two subalterns. The soldier would be as well satisfied with their decision as with that of a Garrison Court Martial. |
| *Major Johnstone, Depot*, 42*d Foot* . . . . . | Men absent to lose pay for every day of absence, whether tried by Court Martial or not. The money to be paid into a benevolent fund for the benefit of the regiment. |
| *Lieut.-Col. Booth*, 43*d Foot* . | Yes, in cases of repeated absence without leave, with the view of checking drunkenness. |
| *Colonel Elrington*, 47*th Foot* (Gibraltar) . . . . . | For habitual drunkenness, or making away with necessaries. Commanding officers should have the power, without Court Martial, to stop half a soldier's pay, to make good necessaries lost by neglect or sold. |
| *Maj. Sadleir, Depot*, 47*th Ft.* | A great evil arises from mulct or fine: the men are so heavily in debt that it becomes difficult to supply them with necessaries, and bears heavily on their captains. |
| *Lt.-Col. Bell*, 48*th Foot* . . | Had entertained hopes that the system of fining by Court Martial would have deterred from drunkenness, but does not think that it has had that effect. |
| *Lt.-Col. Bartley*, 49*th Foot* (Bengal) . . . . . | Decidedly approves of forfeiture of pay for drunkenness, to the extent of 1*d.*, 2*d.*, or 3*d.* a day for not less than six months, by the sentence of a Regimental Court Martial. |
| *Lt.-Col. Wodehouse*, 50*th Ft.* (New South Wales) . . | For the crime of drunkenness only. In the colonies the fine should not exceed 2*d.* a day. |
| *Maj. Ryan, Detacht.* 50*th Ft.* | Forfeiture of a part of the pay might be beneficially awarded instead of imprisonment for drunkenness on parade, on fatigue, when for duty, in the streets or barracks, and for absence from parade. |
| *Maj. St. John*, 52*d Foot* . . | It might with advantage if the commanding officer had the power to fine every man proved drunk either in the streets or on parade, duty, &c.; the fine being proportioned to the degree and nature of the offence. This should be in addition to any other punishment awarded for the crime. |
| *Capt. Considine*, 52*nd Foot* . | Fines, particularly for drunkenness, would be most desirable. The commanding officer should have the power summarily to inflict these fines. |
| *Lt.-Col. Considine*, 53*rd Foot* (Mediterranean) . . . . | It would be very beneficial, but by Courts Martial only, for all crimes of drunkenness or their consequences, to an amount not exceeding 3*d.* a-day for a period not exceeding six months, in addition to any other punishment. This power might with the very best effect be given to Regimental Courts Martial. |
| *Maj. Butler, Dep.* 53*rd Foot* . | A fine might be beneficially awarded in most cases of drunkenness or absence without leave, the amount not to exceed that which, after all fair deductions for messing, and the supply of necessaries, would accrue to the soldier in three months. This supposing him to clear 3*d.* a-day would come to £1 2*s.* 6*d.* No consideration should be shown to the man in debt, which in all probability is the result of his own misconduct. |
| *Lt.-Col. Craigie*, 55*th Foot* (Madras) . . . . . | It could not be beneficially extended beyond the present limits prescribed by the Articles of War. It would lead to the selling of necessaries. |
| *Lt.-Col. Prichard*, 56*th Foot* (Jamaica) . . . . . | In all cases of drunkenness for any duty, particularly of habitual offenders, delinquents should be deprived of a portion of their pay from 1*d.* to 4*d.* a-day. |
| *Maj. Eden, Depôt*, 56*th Foot* | Proposes to invest commanding officers with summary power to inflict a fine of 5*s.*, as in a civil court, in a case of proved drunkenness. |
| *Col. Clifford*, 58*th Foot* (Ceylon) . . . . . | Recommends that Regimental Courts Martial should be empowered to fine to the extent of 30*s.* in cases of drunkenness. |
| *Maj. Ricketts, Dep.*, 58*th Foot* | It might be awarded from 1*d.* to 3*d.* a-day for habitual drunkenness, lying out of quarters, being drunk, allowing prisoners to escape by neglect, neglecting orders on duty, hiring or conniving at hiring for duty, absence from parade, and other minor offences. |
| *Lt.-Col. Fuller*, 59*th Foot* (Gibraltar) . . . . . | A fine not exceeding 3*d.* a-day would be very beneficial in cases of extreme drunkenness, repeated absence from parade, quitting the ranks without leave, and over-staying pass. |
| *Maj. Gordon, Dep.* 59*th Foot* | Yes, for drunkenness. For first conviction of habitual drunkenness 10*s.*, for second, 15*s.*, for third, £1. More than this might lead to the sale of necessaries. |
| *Lt.-Col. Bunbury*, 1*st. Batt.* 60*th Foot* (Mediterranean) | Men placed in solitary confinement should forfeit all surplus of pay beyond actual subsistence. Commanding officers should have the power to inflict a fine of 1*s.* for every time a soldier |

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| | is proved drunk. Regimental Courts Martial have the power of depriving the habitual drunkard of his pay for a period from two months to one year. |
| *Maj. Trevelyan, Dep.* 1*st Bat.* 60*th Foot* . . . . . | Only in cases of drunkenness, and then not beyond 3*d.* of his daily pay. |
| *Lt.-Col. Ellis,* 2*d Batt.* 60*th Foot.* . . . . . | Recommends fines for drunkenness, as stated in answer to preceding question; and also for absence without leave for 24 hours, the forfeiture of the day's pay. |
| *Colonel Darley,* 61*st Foot* (Ceylon). . . . . | Recommends fine of all extra pay for characters not decidedly bad, and for offences not of a serious nature. |
| *Maj. Forbes, Dep.* 61*st Foot* | Fines could not be frequently inflicted with benefit. Men careless of their conduct are careless of their necessaries, and consequently in debt, and the fines, therefore, would frequently fall on the captain of the company. Besides, men under stoppages obtain from their comrades' sympathy, a share of all the advantages of the mess, coffee, &c. |
| *Lt.-Col. Fairtlough,* 63*d Ft.* (Madras) . . . . . | In all cases of drunkenness disposed of without Court Martial, the delinquent to forfeit a day's pay. |
| *Lt.-Col. Kirkwood,* 64*th Foot* (Jamaica) . . . . . | Approves of fines for drunkenness. The commanding officer should have the power to inflict a fine of the day's pay for drunkenness. Does not approve of the present system of stopping a portion of the pay for a period; the soldier considers it unfair, but he could not regard a summary fine in that light. |
| *Major Freeth, Dep.* 64*th Foot* | In crimes proceeding from drunkenness, a loss of not more than 3*d.* a-day might occasionally be beneficial. |
| *Major Farquharson,* 65*th Foot* (West Indies) . . . . . | The present system of forfeiture of pay has not been attended with benefit to the service. It would be advantageous if there were a power vested in the commanding officer to inflict a fine of 1*d.* a day for 30 days on established proof of drunkenness without a trial. |
| *Maj. Walker, Dep.* 65*th Foot.* | Would not be beneficial beyond what is now authorized; it might lead to making away with necessaries. |
| *Col. Nicol,* 66*th Ft.* (Canada) | Is not an advocate for fines. They throw the prisoner in debt, and while under stoppages he is commiserated and more frequently intoxicated than those not similarly situated. |
| *Maj. Daniell, Depot,* 66*th Ft.* | "I do not." |
| *Maj. Brooke,* 67*th Ft.* (West Indies) . . . . . | Recommends the forfeiture of pay for absence without leave, and of all surplus over hospital stoppage, when the illness has been brought on by intemperance. |
| *Maj. Johnston, Dep.* 67*th Ft.* | Does not think it advisable to substitute fine for imprisonment, nor to apply the principle to any other case than those pointed out in the answer to the preceding question. If, however, it should appear desirable, a fine of 3*d.* a-day may be at any time inflicted on a soldier in Ireland. |
| *Lieut.-Col. Cross,* 68*th Foot* (Gibraltar) . . . . . | The pay of a soldier under 14 years' service would not admit of fine as a punishment. Nothing militates more against the reformation of a soldier than a heavy debt to his captain. It frequently produces an unkindly feeling on the part of the captain toward the soldier; the consequence is the soldier desponds, sells his necessaries, and never reforms. |
| *Major Lord W. Paulet, Depot,* 68*th Foot* . . . . . | No; for in most cases those on the lowest rate of pay are the greatest drunkards, and to obtain drink, if not treated by their comrades, sell their necessaries. |
| *Major Brookes,* 69*th Foot* (West Indies) . . . . . | A system of fines would operate powerfully in checking delinquencies. Soldiers are very tenacious of their pay, though they too frequently make a bad use of it, and the apprehension of a fine would more deter them from crime than the fear of any other punishment. The fines, to be graduated according to the rate of messing, might be applied for drunkenness, absence without leave, breaking out of barracks. |
| *Maj. Monins, Depot,* 69*th Foot* | In cases of habitual drunkenness, recommends stoppage of pay, after deducting daily messing, instead of imprisonment. Occasional drunkards might be fined 3*d.* for first offence, 6*d.* for second, and 1*s.* for third, if within three months. |
| *Col. Evans,* 70*th Ft.* (Gibraltar) | Considering the soldier's engagement in the light of a contract with his country, he is of opinion that when it is made manifest on the oath of two respectable witnesses that he is incapable of performing his duty, he should, if not on duty, forfeit a portion or the whole of his surplus daily pay, after paying his subsistence. |
| *Maj. Kelsall, Depot,* 70*th Foot* | Depriving confirmed drunkards of means of indulging in their propensity is the most effectual mode of checking the evil, at the same time the public would not lose the services of the individual. For this reason he recommends that the delinquent's rate of pay should be reduced so low as merely to allow for messing and necessaries, all surplus being forfeited. The more summarily such deprivation could be made, the stronger would be the impression and more effectual the result. |
| *Lt.-Col. Peddie,* 72*d Foot* (Cape of Good Hope) . . | Recommends that commanding officers should be empowered, on the oaths of two witnesses, to award a fine for first offence of drunkenness of 2*s.* 6*d.*, for second offence 5*s.*, for third 10*s.*, for fourth offence 20*s.*, happening within six months, and for every offence after that 10*s.*, in addition to every other punishment. Would also impose fines for neglect of duty, absence from barracks, and such offences. |
| *Maj. Hall, Depot,* 72*d Foot* . | Undoubtedly. In cases of gross drunkenness, with violence or rioting, breaking out of barracks, absence all night, fines might be imposed not exceeding 7*s.*, to be placed as a debit against the soldier, and stopped from his pay. Soldiers absent without leave should forfeit pay and service without the formality of a Court Martial being required. |
| *Major Lloyd,* 73*d Foot* (Mediterranean) . . . . | In cases of habitual drunkenness, and drunk for duty, also for absence from barracks when confined thereto, and from taptoo, as previously explained, to be imposed by regimental Court Martial. |
| *Maj. Hamilton, Depot,* 73*d Ft.* | The commanding officer should have a discretionary power to fine young soldiers for slight irregularities 1*s.* or 2*s.* |
| *Lieut.-Colonel Mein,* 74*th Foot* (West Indies) . . . . . | It would not be expedient, as keeping a soldier in debt, and tempting him to make away with his necessaries. |
| *Maj. Crabbe, Depot,* 74*th Foot* | There is no punishment which the soldier feels so much as being mulcted of his daily pay; but he does not look upon it in the same light of justice as other punishments. |
| *Lieut.-Col. England,* 75*th Foot* (Cape of Good Hope) . . | The fines and forfeitures already enforced act advantageously, and might be increased, but they would not do alone. The less money a bad soldier has to spend the better, and it |

| OFFICER'S NAME. | ANSWERS. |
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| | might be advisable to extend to regimental Courts Martial the powers of District Courts in this respect. |
| *Maj. Quill, Depot, 75th Foot* | Proposes a fine of 2*s.* 6*d.* for each night's lying out of barracks. |
| *Major Clark, 76th Foot* (West Indies) . . . . | The forfeiture for habitual drunkenness has had great effect. Considers that men drunk on guard, or any duty under arms, might forfeit 1*d.* a day for a period within six months. |
| *Maj. Hutchinson, Dep. 76th Ft.* | A system of fines would be attended with amazing advantages to the army and the public. To the army, by weeding it in a few years of all the profligate blackguards without expense. The commanding officer, after previous inquiry, before a court of three officers, might summarily impose a fine of 5*s.* for every act of intoxication. This would either crush the propensity in the individual or secure the repayment of the expenses of a recruit to take his place, should repeated misconduct render his discharge necessary. It would be beneficial to the public, which at present loses by a man's imprisonment both his services and the sixpence a-day it pays for his subsistence. If he were fined the 6*d.*, instead of imprisonment, the public would, in reality, gain 1*s.* a-day. It may be objected that this might throw upon the captains of companies the expenses of these men's necessaries, but a change of linen merely would be quite sufficient for such blackguards, and they would have it less in their power to sell articles out of their kit. |
| *Lt.-Col. Bradshaw, 77th Foot* | Yes, in cases of simple drunkenness and of minor offences, wherein expenses have been incurred that the offender ought to make good. Perhaps 5*d.* a-day might be taken as the maximum amount of fine for a soldier not receiving additional pay, thus leaving 6*d.* for his subsistence and 2*d.* to keep up his stock of necessaries. |
| *Major Douglas, 78th Foot* (Ceylon) . . . . . | If awarded instead of imprisonment fines should be applied to drunkenness only, but he does not think it would be more beneficial than the present mode of stoppage and imprisonment. It might cause the sale of necessaries. In warm climates, where extra light clothing is provided at the soldier's expense, it would not be beneficial. |
| *Maj. Adams, Depot, 78th Foot* | If the commanding officer were empowered, without Court Martial, to mulct a soldier of his pay for the time he was absent without leave, it would be attended with beneficial effects, and would recover for the public that pay which the soldier justly forfeits. |
| *Lt.-Col. M'Dougall, 79th Foot* (Canada) . . . . . | A system of fines would not only be an excellent punishment for the ill conducted, but an act of justice towards the well behaved, from its affording the means of punishing the former, without throwing any additional duty upon the latter, and also of rewarding the good out of the fines imposed on delinquents. Instead, however, of the fines being as now a deduction of a portion of pay for a time, the total amount of the fine should appear in the sentence, and the highest rate of stoppage imposed to secure the payment, that is, that all surplus pay above messing and necessaries should be handed over till the whole fine is discharged. The fines he would propose would be — for habitual drunkenness, or for drunkenness on duty, from 20*s.* to 50*s.* Drunk on parade 10*s.* to 40*s.* Telling a falsehood, absence without leave from quarters or parade, 5*s.* to 30*s.* The minimum fine to be in addition to other punishment, the maximum the only punishment. For all other offences Courts Martial to have the power of imposing a fine of 5*s.* in addition to other punishment. Commanding officer, on proof of amendment, to have power to remit the fine, or any portion, provisionally. |
| *Maj. Ferguson, Depot, 79th Ft.* | Suggests that commanding officers should have power to stop the pay of a man absent without leave, for the days of absence, without Court Martial. A day's pay might also be stopped when he is drunk, as in that situation he is not fit to do his duty. A defaulter in hospital before trial by Court Martial should have his diet only, and the surplus of his pay should not be allowed to accumulate for him. |
| *Lieut.-Col. Pitt, 80th Foot* . | For desertion and absence without leave deprivation of a portion of pay would have a good effect. While a prisoner is in the black-hole he should have only prisoner's subsistence, the rest being forfeited, and nothing beyond actual cost of messing should be allowed in defaulters' room. As some saving to the public would accrue from this, the captain of a company should be indemnified if a man in debt deserted immediately on release. |
| *Lieut.-Col. Maclean, 81st Foot* | A delinquent should always be mulcted of a portion of his pay, to be regulated according to the rate of his pay and his general conduct. |
| *Lieut.-Col. Hogarth, 82d Foot* | A fine of about 3*d.* a-day might have a good effect, particularly in cases of habitual drunkenness. Soldiers frequently now absent themselves all night to avoid being seen drunk, and the consequent record of that offence. Any soldier so absenting himself should be mulcted of his pay, or a part of it, for that day. |
| *Lieut.-Col. Dundas, 83d Foot* (Nova Scotia) | Imposing a fine in lieu of imprisonment would not have the desired effect, because, although the present system of deducting a portion of pay for habitual drunkenness has done a great deal to check that vice, it has not eradicated it. Perhaps good would result if a commanding officer were empowered to inflict a fine of 3*d.* for first offence of drunkenness, in addition to confinement to barracks, 6*d.* for the second, and so on; it might have the effect of checking that vice, and prevent the man committing himself the number of times which brings his offence within the Articles of War; but care must be taken that the man is not placed in debt to his captain. |
| *Maj. Trydell, Depot, 83d Foot* | It could be done occasionally, and applicable to all cases of crime, instead of imprisonment, at the rate of 2*d.* to 3*d.* a day, but not to exceed two years. |
| *Maj. Nicholl, Depot, 84th Foot* | Occasional fine or mulct might be beneficially awarded to men guilty of offences the result of dissipation,—such as drunk on parade, or fatigue, or when for duty, drunk or riotous in the streets or barracks, absent from taptoo and not returning until the following morning, breaking out of barracks after hours, and when confined thereto. The fine to be one day's pay for each of these or similar offences, at the discretion of the commanding officer, in addition to any other punishment. |
| *Colonel Warburton, 85th Foot* | Most undoubtedly, for all crimes brought on by drunkenness, as far as 3*d.* per diem from his pay. |
| *Major Stuart, 86th Foot* (West Indies) . . . . | Fine would in cases of drunkenness have a most beneficial effect. A magistrate, in civil life, has the power to fine a citizen 5*s.* for being drunk. He proposes that the commanding officer, with the two next seniors, should be empowered to fine a delinquent from 2*s.* |

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| | to 5*s.* for each offence. Fines to be for drunkenness only: in that almost alone consists all the evil of a soldier's career. Such moneys to form a fund from which sums might be appropriated for the reward on discharge of soldiers of perfect sobriety and good conduct. |
| *Capt. Creagh, Depot, 86th Ft.* | Fines might be applied with advantage, not only before imprisonment is resorted to for young soldiers, but in addition to other punishments for more hardened characters. The fines might extend as far as 4*d.* a-day for 20 or even 30 days. |
| *Lt.-Col. Streatfeild, 87th Foot* (Mauritius) . . . . . | Judging from its failure hitherto, he does not think it could. |
| *Capt. Doyle, Depot, 87th Foot* | Thinks that fine or mulct of a portion of pay might be applied to the cases of absence from parade or barracks, on the principle that in civil life the labourer is only paid in proportion to the time he goes to work. For absence from morning parade, he would fine a man one-third of his pay, if from morning and evening parade two-thirds, and if the whole day, and from taptoo, the entire of his day's pay. |
| *Colonel O'Malley, 88th Foot* (Mediterranean) . . . . | Is quite convinced that nothing could have a more wholesome effect than taking away any part of a soldier's pay occasionally for drunkenness, as a fine on the principle laid down in an answer to a preceding question, particularly at home or on stations abroad, where soldiers are not employed and paid for work, as is unhappily the case in Corfu. |
| *Maj. O'Hara, Dep. 88th Foot* | Fines from 5*s.* to 7*s.* 6*d.*, which latter would amount to 3*d.* a day for thirty days, would be beneficial in many instances, particularly where the duty is severe, but such a system would better apply to cases of drunkenness than to any other acts of delinquency. |
| *Lieut.-Col. Jones, 89th Foot* . | It would. But the practice of resorting to Courts Martial for the purpose of stopping 1*d.* a day for 30 days, for simple drunkenness, familiarizes the soldier with these tribunals, and at the same time undermines their effects in all respects. The amount of fine should vary according to degree and nature of the offence, the character of the individual, and other circumstances, and should not, without a Court Martial, exceed say 2*s.* 6*d.* or 3*s.* in any one month. For a second offence, Court Martial should be resorted to, the power of which might be extended to fining 2*d.* or 3*d.* a-day for one or two months. The powers of District Courts to be increased in proportion. The culprits should also be liable to pay the postage incurred by the transmission of the proceedings which are now frequently charged upon the regimental contingent fund. It is not meant to suggest the punishment of fine for any crime but drunkenness, but if that drunkenness were connected with any other crime, solitary confinement might be added to this fine. In conclusion, drunkenness in any shape should incur admission into the drunkards' mess, when it is not habitual, for a period not less than one month, for habitual drunkards, permanently. |
| *Lt.-Col. Arbuthnot, 90th Foot* | Approves of fines. Commanding officers should have power of giving those men sentenced by them to the black hole and defaulters' room, merely bread and water and only 6*d.* a-day. They should also have power of fining to the following amount in addition to any other punishment that may be awarded: drunk on guard, on picquet, on escort duty or line of march 5*s.*, on parade or for punishment drill 2*s.* 6*d.*, in the streets 1*s.* Absent twenty-four hours, and for every succeeding twelve hours, 1*s.* 1*d.* |
| *Lieut.-Col. Anderson, 91st Foot* | This could be done with great advantage to the service. In a case of drunkenness recorded as such in the defaulters' book, the commanding officer should have the power, without a Court Martial, to fine the offender in any case not exceeding 5*s.* nor less than 1*s.* in addition to his pay as a prisoner. |
| *Lt.-Col. M'Donald, 92d Ft.* (Gibraltar) . . . . . | Does not think that fines could be beneficially substituted for imprisonment, or awarded to other than cases of drunkenness, absence from quarters for the night, or from parades and roll-calls; but for these offences it would be a good punishment. A commanding officer should have the power of fining a man from 1*s.* to 5*s.* for drunkenness, rioting or breach of decorum in the streets, and one day's pay for absence. |
| *Major Winchester, Dep. 92d Foot* . . . . . | Suggests a fine of not less than 6*d.* and not more than 5*s.* for every one of the following offences,—absence from barracks after taptoo, breaking out of barracks, absence from parade or roll-calls, (such fine to be inflicted or remitted at the discretion of the officer commanding,) in addition to any other punishment he may award. |
| *Lt.-Col. M'Gregor, 93d Foot* | Is opposed to the curtailment of any part of the soldier's pay while serving, as a punishment, and is doubtful whether it has answered its object in cases of habitual drunkenness. He has not seen a single habitual drunkard reclaimed by it; and it is a notorious fact, that the man under stoppage for drunkenness is supplied by his comrades, from sympathy, with larger quantities than he could himself purchase. He has reason to suspect those stoppages have frequently led to petty thefts and sale of necessaries. Besides, if 3*d.* a day be deducted for a long time from a soldier's pay abroad, he cannot be kept complete in necessaries without being plunged in debt, which is of itself the root of crime. |
| *Lieut.-Col. Paty, 94th Foot* . | Fines might be beneficially awarded for drunkenness, and Regimental Courts Martial should have the power of stopping a soldier's pay for any period not exceeding six months. Fines might also be introduced in other cases, such as absence without leave for a day or more, absence from parade, &c. The amount to be from one day's pay to ten by the commanding officer. If the case be brought before a Court Martial, of course the delinquent to be mulcted of pay for a greater period. |
| *Major Milner, Depot, 94th Ft.* | The forfeiture of pay for drunkenness is the best punishment that was ever sanctioned. He has witnessed the good effects that have resulted from the forfeiture of the 1*d.* a-day. It would be very beneficial, if the drunkenness were not attended with aggravated circumstances, that any other punishment besides the forfeiture should be dispensed with. Is of opinion that 3*d.* a-day, including the beer money, is as much as could be stopped from a man. |
| *Lieut.-Col. Campbell, 95th Foot* | Approves of fines for drunkenness, absence all night, quitting barracks when confined to them, slight cases of insubordination, and other offences not serious enough to call for Courts Martial. The amount to be regulated by the circumstances of the case, but not to exceed 10*s.* |
| *Maj. Wrottesley, Dep. 95th Ft.* | For all cases of drunkenness a fine would be preferable to stoppage of daily pay. It might |

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| | vary from 1*s.* to 30*s.*, and be awarded by commanding officer. The fine to be paid by suspending the whole or a portion of the surplus pay, after deducting the cost of messing and all regimental expenses. The fine might be gradually or wholly remitted, according to the improved conduct and habits of the man. The fines to be applied to assist the families of deceased soldiers or in gratuities to the deserving men, or in providing the well-behaved with amusements. |
| *Lt.-Col. Cairncross, 96th Foot* (Nova Scotia) . . . . | Not further than at present. He has always found the most hardened offender, even when under stoppages, more frequently drunk and irregular than others, and suspects that other men assist them in their enjoyments, for a soldier with money in his pocket cares little whom he treats to drink. |
| *Major Hill, Depot, 96th Foot* | Fines might be the means of restraining offenders who are not at present deterred by the punishment the commanding officer can inflict, which is generally confinement to barracks, and during which confinement they save a sufficient sum to procure for them, after their release, those gratifications which are the cause of their irregularities. Proposes that absence all night without leave should be punished in the same manner as habitual drunkenness. |
| *Colonel Hamilton, 97th Foot* (Ceylon). . . . . | The only addition he suggests to the present is that the men should receive their daily pay after evening parade, and any man drunk, or absent, should forfeit his clearance for that day. |
| *Capt. Smith, Depot, 97th Foot* | Mulct of pay would have a very good effect, and could be applied either with or without imprisonment according to the prisoner's character. Threepence a day ought to be the maximum, and might be inflicted for the following offences, viz., disobedience, insubordination, absence without leave, such as remaining out of barracks all night. |
| *Lt.-Col. M'Caskill, 98th Foot* (Cape of Good Hope) . . | A soldier is not much given to reflection, and fine or mulct of pay, before brought home to him by experience, has little place in his thoughts. Fines, when in operation, are unwelcome, and that is all. A hardened offender often becomes more hardened by stoppages. He knows his captain must keep him in necessaries, however reduced his means, and of these he becomes careless. Instead of a partial stoppage, he recommends that the whole surplus pay should be suspended, the man being allowed a bare subsistence, washing, and necessaries, the surplus being retained to be issued on his subsequent good behaviour, or, if he does not amend, to be applied to the payment of those who do his duty. |
| *Maj. Le Marchant, Dep. 98th Foot* . . . . . | Fines would exercise a most material influence on the conduct of soldiers. Forfeiture of pay in cases of drunkenness, and for the period of unfitness for duty, would not be too severe. The same punishment might be applied for absence from quarters. |
| *Lt.-Col. Johnston, 99th Foot* (Mauritius) . . . . . | Advantages would result from a measure of this kind. Men would not be taken from their duty, whilst they would suffer some privation not affecting their health. The fines might be from 1*d.* to 3*d.* a-day, for periods not exceeding two months. Those receiving additional pay might be mulcted of that besides. These fines to be imposed for the following offences: absence from parade, or when for duty, or from barracks after taptoo; drunk and riotous conduct; drunk when on or for duty or parade, or on the line of the march; falling out of the ranks on the line of march, without permission, or good and sufficient cause; striking comrades; unsoldierlike or insubordinate behaviour to non-commissioned officers; indecent language in the barrack room, and neglect on duty. The commanding officer to be empowered to re-establish any individual in the receipt of his whole pay, or any portion of it. |
| *Major Macpherson, Depot, 99th Foot* . . . . . | Fine to the amount of two-thirds of a soldier's pay might be awarded with benefit to the service. |
| *Major Hope, 1st Batt. Rifle Brigade* (Nova Scotia). . | Fines would be most beneficial instead of imprisonment, particularly in cases of drunkenness, and to the extent of one-third of the daily pay, for any period not exceeding six months. |
| *Lieut.-Col. Eeles, 1st Battalion, Rifle Brigade* . . . . | In cases of drunkenness only. |
| *Colonel Brown, 2d Batt. Rifle Brig* . . . . . | Not further than is now the practice. Any attempt to extend this punishment to other cases than drunkenness might make the soldier sulky and discontented, but would not act as a punishment. If his pay be reduced below 10*d.* he becomes non-effective, cannot pay for his necessaries, and any further stoppage would be a tax on his captain. |
| *Captain Gosset, Depot, 2d Battalion, Rifle Brigade* . | Fines might be justly awarded for drunkenness or absence without leave, even if the absence were less than 24 hours. |
| *Lt.-Col. Doherty, 1st W. Ind. Regiment* (Trinidad) . . | It may, to a considerable amount, and in most cases, the amount being appropriated to a fund for the benefit of old and deserving soldiers. Is not an advocate for a severe or heavy scale of punishment, a light scale having equal effect, and with this advantage, that it does not dishearten or lead to further crime as the result of despair. |
| *Lt.-Col. Nicolls, 2d W. India Regiment* (West Indies) . | Fine should, in almost every case, form a part of the sentence of a District or Regimental Court. The crime itself, and the rate of pay received, should determine the amount of the fine. |
| *Major Fletcher, Ceylon Reg.* (Ceylon). . . . . | "It would not be practicable to enforce fine or mulct in this corps, the pay of the soldier being so low, 6*d.* a-day, as to be barely sufficient for his support, and as nearly the whole of the men are married, and have families, it would occasion distress, and most probably act as an inducement to dishonesty." |
| *Major Burney, Cape Riflemen* (Cape of Good Hope) . . | Only for theft, not exceeding 1*d.* a-day, and doubled for the second offence. |
| *Major de Piro, Malta Fenc.* (Malta) . . . . . | Yes, to an amount not exceeding one-third of his pay, as a maximum, after repetition of crime. He would impose fines for drunkenness, gaming, swearing, and various other crimes. |
| *Maj. Du Bourdieu, Pro. Batt.* | Fines would be most beneficial. The drunkard would feel it much, undergo his punishment, and his services be still available. The fine to be 1*d.* a day for 24 days for first offence; the same for 42 days for the second; the same for 72 days for the third. If on duty, for duty, or for parade, $\frac{1}{2}d.$ should be added. The first offence, although circumstances might have induced the commanding officer to overlook it, to be counted on the commission of the crime again. |

| OFFICER'S NAME. | ANSWER. |
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| *Lt.-Col. Brunton*, 13*th Light Dragoons* (Madras) . . | He does not think fines could be beneficially awarded, except in cases of men going into hospital for diseases brought on by excessive drinking, and the other causes provided for in the 39th Article of War. In such cases either the sentence of a Court Martial, or the report of medical officers properly authenticated, might deprive offenders of a part or the whole of the balance of the pay which had accumulated while in hospital. |
| *Lt.-Col. Dennis*, 3*d Foot* (Bengal) . . . . . | Certainly for drunkenness and absence without leave, and all minor offences which are now within the power of a commanding officer to punish without trial. Proposes the following scale of fines for drunkenness: Drunk for guard, 2*d.* a-day for 14 days; drunk for parade, 2*d.* a-day for 10 days; twice drunk in barracks within 14 days, 1*d.* a-day for 14 days; drunk on the line of march, 2*d.* a-day for seven days; drunk for punishment drill, 2*d.* a-day for 10 days. |
| *Lt.-Col. Custance*, 9*th Foot* (Mauritius) . . . . | No. He thinks it would lead to crimes of a higher degree, such as theft, to obtain money. |
| *Lt.-Col. Green*, 20*th Foot* (Bombay) . . . . . | Recommends that the power of fining for habitual drunkenness should be lodged in a board or committee of three officers, and not in a Court Martial. Suggests also that a further reduction might advantageously be made until the man's daily pay was brought down to 8*d.*, or even 7*d.* Does not think that this punishment is applicable to any other crime. |
| *Lt.-Col. Piper*, 38*th Foot* (Bengal) . . . . . | A Regimental Court Martial should be empowered to deprive any convicted culprit of the surplus of his pay after subsisting him. The money to be lodged in a fund, and redeemable on subsequent good conduct, but never to be given to the soldier until he be finally discharged. |
| *Major Poole*, 39*th Foot* (Madras) . . . . . | Does not think it would. |
| *Lt.-Col. Boys*, 45*th Foot* (Madras) . . . . . | Fining, except for drunkenness or making good necessaries, would not be desirable, as if heavy fines were imposed it would drive him to other means to meet his necessities; if on a limited scale, it would not deter the soldier from the commission of crime. |
| *Lt.-Colonel Fane*, 54*th Foot* (Madras) . . . . . | Fine, combined with imprisonment, is the most beneficial punishment that can be awarded; but the amount of stoppage ought not to exceed 3*d.* a-day. |
| *Major Hunt*, 67*th Foot*, (Madras) . . . . . | Fines would be beneficial in most cases. The stoppage of 3*d.* a-day for habitual drunkenness might be extended in India, so that the offender should receive only 6*d.* or 7*d.* of his daily pay. |
| *Major Cramer*, 62*d Foot* (Madras) . . . . . | Nothing strikes so effectually at the malpractices of the soldier as the depriving him of a portion of his pay, but it should apply to drunkenness only. A soldier receiving increased pay might be deprived of the whole of that increase for one month, for first offence of being drunk for duty; for second offence, the same, with additional deduction of 1*d.* a-day, for two months; for third offence, the same for three months, with an additional deduction of 2*d.* a-day; for fourth offence he should forfeit all increased pay for one, two, or three years; for fifth offence he should forfeit increased pay altogether. When he does not receive increased pay, the fines should be, for first offence, 2*d.* a-day for one month; second offence, same for three months; third offence, 2*d.* a-day for three months, and such other punishment as a Court Martial might think proper to award. |
| *Major Pritchard*, 71*st Foot* . | Thinks mulct of a portion of pay for drunkenness would be most desirable for any period within three months, and to the amount, at the utmost, of 3*d.* a-day. To be inflicted at the discretion of the commanding officer. The fines to be credited to the public. |

| OFFICER'S NAME. | *Incidental Remark on Corporal Punishment.* |
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| *Maj.-Gen. Sir T. M'Mahon* | Corporal punishment would become less necessary if the character of the Army could be improved by better recruits, but he thinks that, with safety to the discipline of the Army, the *power* of inflicting it can never be given up. |
| *Maj.-Gen. Sir H. Bouverie* | Corporal punishment, although sometimes efficacious, must in the present time be most mischievous to the discipline and good feeling of the Army, and, to preserve it for foreign service in time of war, it should be restrained in peace time to disgraceful crimes, so as to ensure the punishment carrying along with it the feeling of the soldiers themselves, and of the people. |
| *Colonel Sir L. Greenwell* | Abstaining from corporal punishment has produced insubordination, and its further abolition, without an efficient substitute, would seriously endanger the discipline of the Army. |
| *Maj.-Gen. Thornton* | Corporal punishment the most efficacious, for it reclaims the depraved, and prevents the commission of crime. Previous to the discussions in Parliament, which have loosened the discipline and subordination of the Army, the majority of privates would have concurred in its propriety. If that description of punishment be exploded the Army would be the most formidable enemy the country could have. |
| *Maj.-Gen. Ross* | Corporal punishment essential for the due preservation of discipline; but Regimental Courts Martial might be restricted in awarding it only to insubordination under arms or on duty, when immediate example was requisite. |
| *Lt.-Gen. Sir Hussey Vivian* | No punishment has yet been proposed as an efficient substitute for corporal punishment. The good men do not object to it. He could name many instances of men who have been punished becoming excellent soldiers, non-commissioned officers, and even officers. The inefficiency of the present system of punishment proved by the increased insubordination to officers and non-commissioned officers. Even if it were allowed to a General Court-Martial only, where dismissal with ignominy was to follow, it must be retained for a commanding officer, and a Regimental Court-Martial, for mutinous conduct on the line of march. Imprisonment with felons is infinitely more degrading. As long as the enlistment is voluntary the same description of persons will continue to enter the service, and inevitably there must be many men of bad character. These may object to the punishment, but it nevertheless does not prevent their enlistment. It has frequently come to his knowledge that the men of a regiment generally have expressed satisfaction when the man who has brought disgrace on the corps and his comrades has been subjected to corporal punishment. When Troop Courts Martial existed, that court consisting of privates, with a non-commissioned officer as president, the mode of punishment was inflicting a certain number of strokes on the bare breech with a canteen strap, and these sentences were frequently so severe that the system was prohibited; and it is a well-known fact that, during the mutiny in the Navy, the punishments adopted by the mutineers were infinitely more severe than those allowed to their officers by law. These facts speak the feeling of soldiers and sailors on the question of corporal punishment. |
| *Lt.-General Sir W. Houstoun* (Gibraltar) | Corporal punishment indispensable for grave offences, particularly for insubordination and violence towards non-commissioned officers, which offences are more frequent than they used to be. All cases which come under the head of disgraceful conduct, in the Articles of War, should be liable to it, although it might not be inflicted in all. |
| *Maj.-Gen. Sir F. Ponsonby* (Malta) | Corporal punishment, when awarded after a due consideration of the character of the culprit, and a proper discrimination of the frequency of the crime, is the best punishment, both as a correction to the individual and an example to others; and it leaves less rancour in the mind of the individual than many of the minor punishments. |
| *Maj.-Gen. Sir S. Chapman* (Bermuda) | A regiment arrived in Bermuda, when drunkenness and gross insubordination prevailed, notwithstanding repeated sentences of transportation and solitary confinement; at last corporal punishment was awarded, both by General and District Courts Martial, since which a period of two months has elapsed without any recurrence of Courts Martial for a like crime. |
| *Maj.-Gen. Sir Lionel Smith* (West Indies) | There are many individuals in the service who are only deterred from acts of violence and crime by the dread of corporal punishment. The total abolition of that punishment would be fatal to the discipline of the Army, and by no means popular with the service generally. Good and steady men are well aware that, while they are virtually exempted from such penalty, a check is thereby maintained on the desperate, the worthless, and the depraved, which, once removed, would render them not only dangerous comrades, but moreover subject the entire regiment to reproach. |
| *Lieut.-General Lord Aylmer* (Canada) | It is his deliberate opinion that to do away with corporal punishment would have the effect of giving the death-blow to the discipline of the British Army. |
| *Major-Gen. Sir Carm. Smyth* (Demerara) | There are eight or ten men in every regiment who are equally indifferent to all modes of punishment. The number of these reckless characters is considerably reduced by the additional disgrace now fortunately attached to corporal punishment from the rarity of such a mode of punishment being resorted to. Many men have been reformed by labour and solitary confinement, who, had they been flogged, would have become desperate characters. If stocks, and the log or *boulet*, were legalized and inflicted with caution, they would very much diminish the revolting punishment of flogging. |
| *Major Kearney, 2d Dn. Gds.* | The example held out to the soldier by corporal punishment is the most efficacious in maintaining the discipline of the Army. |
| *Lt-Col. Chatterton, 4th Dn. Gds.* | It will be impossible to keep up discipline in the British Army if the power of resorting to corporal punishment be abolished. |
| *Major Scarlett, 5th Dn. Gds.* | To maintain the discipline of the Army the power should be retained, when all else fails, of carrying into immediate effect a sentence of corporal punishment. |
| *Lt.-Col. Clark, 7th Dn. Gds.* | A soldier would rather undergo corporal punishment than have his pay stopped for any length of time. The soldier does not appear so happy or so contented of late years as he formerly was, when corporal punishment was oftener resorted to, and long imprisonment and forfeiture of pay not in use. |
| *Major Wyndham, 2d Dns.* | For the crime of drunkenness, the root and source of a soldier's misery, nothing appears so effectual as corporal punishment. An immediate blow is struck, the example is forcible, and the impression upon the minds of the young and old soldier generally of some |

| OFFICER'S NAME. | *Incidental Remark on Corporal Punishment.* |
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| | duration. The fear of this the only thing likely to eradicate the soldier's propensity to drunkenness. |
| *Lt.-Col. Campbell, 9th Light Dragoons* . . . . . | "Prevention of crime must be the great object of every officer in command, and, after "upwards of twenty-eight years' experience, I do not know of anything that tends so "much to this important end as the fear of corporal punishment." |
| *Lt.-Col. Lord T. Cecil, 10th Light Dragoons.* . . . | Corporal punishment is highly beneficial to the culprit and the whole regiment. The rarity of the punishment renders its good effects more apparent. It is the only punishment on which reliance can be placed. |
| *Col. Keate, Scots Fus. Guards* | The power of awarding corporal punishment is that alone, recruited as our Army is, which can preserve its discipline and effectiveness. |
| *Lt.-Col. Sutherland, 5th Foot* (Mediterranean) . . . | For the sake of the best interests of the service, the means of *promptly* meeting and punishing crime, and offering an example in the face of a regiment, should be maintained at least on foreign stations. It might be desirable to revive Drum-head Courts Martial with this view. |
| *Lt.-Col. Farquharson, 7th Ft.* (Mediterranean) . . . | Of the punishments now in use in maintaining thorough discipline and good order, nothing but a little good and well-timed corporal punishment, and the dread of the same, can or does effectually and eventually succeed. |
| *Major Derinzy, 11th Foot* (Mediterranean) . . . | Sad experience has proved that the more serious crimes growing out of drunkenness, as gross insubordination, violence to superiors, &c., can only be restrained by corporal punishment. |
| *Lieut.-Col. Everard, 14th Ft.* | Is firmly persuaded and convinced that the power to inflict corporal punishment can never be removed with safety, although it might be diminished considerably by giving commanding officers power to decide on cases which they are now bound to refer to Courts Martial. |
| *Lieut.-Col. Leahy, 21st Foot* (New South Wales) . . | Is decidedly of opinion that one corporal punishment has more effect on the minds of the soldiers who witness it than hearing the proceedings of thirty Courts Martial awarding imprisonment; but when corporal punishments are frequent they do not make that impression. |
| *Major Ross, Depot, 23d Foot* | If the modes of punishment for drunkenness, including an increased stoppage, failed, he would then resort to corporal punishment. |
| *Colonel Tidy, 24th Foot* (Canada) . . . . . | "I cannot close this without observing, that a regimental experience of forty-three years "assures me that no punishment, either to reform the delinquent or prevent others from "becoming so, is equal to corporal punishment. If the commanding officer of a regiment "is what he ought to be, much may be done without resorting to it, but the power to "inflict it is indispensable. I have generally commanded a battalion since 1814, and I "can safely say that I never brought a man to punishment without the individual himself, "and all present, being quite convinced that I would as soon have suffered it myself as "inflicted it, could the same effect have been thereby produced." |
| *Major Kelly, Depot, 24th Foot* | "I fear that corporal punishment can never be entirely dispensed with with safety, although "I have the greatest aversion from it except in very extreme cases." |
| *Lt.-Col. Oglander, 26th Foot* (Bengal) . . . . . | "For ordinary circumstances I see no difficulty in maintaining discipline by imprisonment, "and those minor means which rest with a commanding officer. With regard, however, "to long marches, and especially if made on service, where the enforcement of imprison-"ment and most other minor punishments would be impracticable, and even the sentence "of transportation by a General Court Martial would be delusion, should plunder or "serious excesses occur, I do not then see what substitute can be found for corporal "punishment. I detest it, but in such a case it may be unavoidable." |
| *Major Palk, Depot, 32d Foot* | A man on the day of his release from four months' imprisonment, with hard labour, struck a non-commissioned officer when on route; for this he received corporal punishment. Since that time, twelve months ago, his conduct has been very good, and not the slightest fault has been found with him. |
| *Lieut.-Colonel Fane, 34th Ft.* (New Brunswick) . . . | The moral effect of corporal punishment has very greatly increased since the use of it has been less frequent; but if that punishment were totally abolished imprisonment would not be sufficient. |
| *Capt. Hare, Depot, 36th Foot* | A robust and violent man, who had received severe corporal punishment without any apparent effect either on his health or conduct, was broken in body and mind after three months' solitary confinement in the West Indies. |
| *Col. Sir E. K. Williams, 41st Foot* (Madras) . . . . | Is of opinion that all soldiers would prefer taking 200 lashes to thirty days, or even twenty, of solitary confinement. |
| *Lieut.-Col. Sir C. Gordon, 42d Foot* (Mediterranean) . . | Garrison Courts Martial should be further restricted, or rather recommended to attend to the opinion and wish of the commanding officer of the regiment, before they award corporal punishment. They cannot know anything of the prisoner's previous disposition and character, and corporal punishment may sometimes do more harm than good. |
| *Colonel Elrington, 47th Foot* (Gibraltar) . . . . . | Would recommend corporal punishment, and invariably discharge with ignominy, for theft. |
| *Lt.-Col. Wodehouse, 50th Ft.* (New South Wales) . . | Although imprisonment with hard labour, and solitary confinement, if strictly enforced, must tend to prevent crime; yet, considering the mixed and various descriptions of men now recruited, he is of opinion that corporal punishment, although seldom resorted to, should still be used at discretion for such crimes as the following, viz., gross insubordinate conduct of every description, quitting a post, disgraceful conduct, such as theft, &c., especially theft from a comrade. |
| *Capt. Considine, 52d Foot* . | It must ever be borne in mind that facilities for carrying imprisonment into effect cannot be made available on all occasions, particularly in the field, on the march, at numerous out-detachments, and in many other situations. In the absence of such facilities, or the possibility of its being unadvisable to employ them, the power to inflict corporal punishment should, however modified, be retained, if the discipline of the British Army is to be kept up. The knowledge that this power exists would have and has had the effect of preventing crimes of a mutinous character; but, if once the soldier knows that he cannot receive corporal punishment for any offence, there will be an end to discipline, and soldiers given to drunkenness, as those of the British Army confessedly are, and its general consequences, would then become the terror instead of the protection of society. |

| OFFICER'S NAME. | *Incidental Remark on Corporal Punishment.* |
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| *Lt.-Col. Considine*, 53*d Foot* (Mediterranean) . . . | Firmly believes that many would rather undergo corporal punishment than solitary confinement when rigidly carried into effect. |
| *Lt.-Col. Craigie*, 55*th Foot* (Madras) . . . . . | Solitary confinement is more dreaded by old offenders than corporal punishment. Imprisonment, with hard labour, when strictly carried into effect, might almost supersede the necessity of corporal punishment, except, perhaps, in cases of a very aggravated nature, when public and immediate example was necessary. |
| *Colonel Clifford*, 58*th Foot* (Ceylon) . . . . . | "Although I am quite satisfied that there is no duty more painful to a commanding officer "than the superintendence of a corporal punishment, yet, composed as the Army is, there "is scarcely a corps in the service that has not (however few) some men of depraved habits, "who can only be kept in order by the fear of corporal punishment, and who are totally "callous to and regardless of any other. It is a punishment I am fully persuaded would "never be applied by any commanding officer, except on those with whom all other means "had failed; and, under these impressions, I do think that its relinquishment would be "seriously injurious to the best interest and discipline of the British Army." |
| *Lieut.-Col. Bunbury*, 1*st Batt.* 60*th Foot* (Mediterranean) | Has never resorted to corporal punishment if it could possibly be avoided, but gives it as his decided opinion that to do away with it altogether would materially undermine the discipline of the British Army. |
| *Major Trevelyan, Depot*, 1*st Batt.* 60*th Foot*. . . . | He does not believe that, under existing circumstances, proper discipline could be kept up in the Army without it, particularly on a march, where prompt example on the spot might be necessary for insubordination, and the absence of which example might induce other similar offences. |
| *Maj. Freeth, Depot*, 64*th Foot* | For grave offences he cannot consider the discipline of the Army can be preserved without the power of inflicting corporal punishment. |
| *Maj. Walker, Depot*, 65*th Ft.* | Recollects an instance of a man having commuted a punishment of 300 lashes, which had been awarded him, for six weeks' solitary confinement. This man, when three weeks were completed, begged to be allowed to receive the full award of corporal punishment, in place of undergoing the remaining term of solitary confinement. |
| *Col. Nicoll*, 66*th Ft.* (Canada) | It would not be advisable to abolish corporal punishment. This infliction ought to be applied only when prompt example is requisite. |
| *Maj. Lord W. Paulet, Depot*, 68*th Foot* . . . . . | Recommends a more frequent application of corporal punishment upon incorrigible characters, where every other punishment and effort to reclaim have proved ineffectual. |
| *Colonel Evans*, 70*th Foot* (Gibraltar) . . . . . | "The opinion of the 70th system, by military men generally, I believe to be known at the "Horse Guards, and since its adoption, six years ago, the regiment has had no instance of "a non-commissioned officer betraying his trust, or deserting his colours, no civil complaint "against the soldier, nor a single man tried for a garrison fault, (a thing unprecedented,) "since its arrival on this Rock, where temptations and fearful crime extensively prevail. "These desirable ends, it is gratifying to know, have been attained without recourse to the "lash for nearly the past four years. I admit danger may ensue from an immediate and "indiscriminate disuse of corporal infliction, where the practice has been of such long-con- "tinued duration, and the prejudice of old officers so strong and inveterate in favour of a "custom they implicitly rely on as most efficacious in the maintenance of discipline; yet "I venture to assert that those commanding officers who will judiciously try the experi- "ment will find their country's honour promoted, and their own interests best served, by "imparting a reasonable intelligence to the soldier's mind, raising a corresponding high "moral feeling, and through their instrumentality enabling him to duly appreciate your care "and anxiety for the promotion of his comfort and respectability. Such a course, whilst "productive of solid contentment, reconciles him to the necessity existing for prompt, stern, "and effective repression of every approach to crime. Such has been the main secret of "my success, ruling men rather through their reason and affections than appealing to their "fears."<br>Solitary confinement has been one of the principal means of enabling him to dispense with corporal punishment. Has two subjects who had formerly received, more than once, 300 lashes each, with apparent triumph, but who have been perfectly humbled by solitary confinement rigidly applied. |
| *Maj. Hamilton, Depot*, 73*d Ft.* | The doing away with corporal punishment will materially affect the good order and discipline of the Army. |
| *Maj. Crabbe, Depot*, 74*th Foot* | In one case a man who had been frequently guilty of selling his necessaries, and absenting himself from his regiment, was heard to say that he did not care what they did to him, as he knew they could not flog him; but it so happened that the Court had awarded corporal punishment, which he received, and he has, ever since, now twelve months, conducted himself steadily. |
| *Maj. Douglas*, 78*th Foot* (Ceylon) . . . . . | Corporal punishment is not often inflicted, but it is sometimes necessary with hardened and bad characters upon whom other punishments have no effect. |
| *Major Stuart*, 86*th Foot* (West Indies) . . . . | Has heard men express great dislike to the tread-mill, and instances have occurred of men on trial having requested the Court to order corporal punishment rather than send them again to the mill. After 30 years' experience he is fully satisfied that, until the character of the Army is changed by the enlistment of a better description of men, corporal punishment cannot be entirely done away with. |
| *Lt.-Col. Streatfeild*, 87*th Foot* (Mauritius) . . . . . | "I will mention a case which occurred within my own recollection, upwards of 20 years "ago, in this colony. A soldier of the 87th, who had received in the course of his former "service some thousands of lashes without effect, was perfectly reclaimed by twelve months "solitary imprisonment, most rigidly enforced, and his health in no way impaired by it." |
| *Colonel O'Malley*, 88*th Foot* (Mediterranean) . . . | If means were afforded of carrying the punishments of hard labour and solitary confinement fully into effect, and a facility given for discharging incorrigible offenders, there would be in the course of time but little or no occasion to resort to corporal punishment, but the power of awarding it should nevertheless be continued to Courts Martial, as its removal might, at no very remote period, have fatal results, more especially as even in peace troops are liable to serve where recourse cannot be had to prison discipline, and in time of war it would be difficult, if not impossible, to revert to it, although indispensable, as the description of men in the Army must be unavoidably inferior to what they now are, and imprisonment must be then in a great measure out of the question. |

| OFFICER'S NAME. | *Incidental Remarks on Corporal Punishments.* |
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| *Lt.-Col. Anderson, 91st Foot* | "I beg leave to submit, and with the greatest deference, after long practical experience, that "I do not conceive that corporal punishments are absolutely necessary on home service, "provided that all bad characters were to be discharged by a Court Martial, with a blank "discharge, whatever their length of service might have been; and in all cases, in the field "or elsewhere, whenever it was found to be indispensably requisite, it would be expedient to "inflict it under the direction of the Provost Marshal, and to be followed by ignominious "discharge from the service." |
| *Lt.-Col. Cairncross, 96th Foot* (Nova Scotia) | In cases of drunkenness on duty, he has observed that an occasional, prompt, and decided instance of corporal punishment, has had more immediate effect than all the imprisonment in the garrison. |
| *Maj. Hill, Depot, 96th Foot* | The men have viewed imprisonment, with hard labour, as more severe than corporal punishment. |
| *Colonel Hamilton, 97th Foot* (Ceylon) | The power of Drum-head Court-Martial, and of inflicting corporal punishment in a moderate degree for gross insubordination on parade and under arms, no matter at what hour it might occur, should be reserved to a commanding officer, as it must be obvious to all experienced military men that immediate and public example in cases of that kind is absolutely necessary. |
| *Lt.-Col. M'Caskill, 98th Foot* (Cape of Good Hope) | Describes corporal punishment "as the last security of discipline, which the best and most "faithful of our non-commissioned officers and privates, now serving and discharged, are "themselves convinced of, and ready to acknowledge, could they be asked their opinion;" and further states that the present punishments would be insufficient for maintaining discipline and good order in the Army, if the soldiers did not know that there is a last resort in corporal punishment, however sparingly it should be used. |
| *Major Macpherson, Depot, 99th Foot* | "I beg to express my firm belief that any mode of punishment is better than corporal punish- "ment. After an experience of one-and-thirty years' service, during the early part of "which period I witnessed much military flogging, I have no hesitation in saying that I "never knew a single instance of a bad character being reformed by it." |
| *Lt.-Col. Eeles, Depot, 1st Batt. Rifle Brigade* | States that no one is more adverse to corporal punishment than himself, and that he has never willingly resorted to it unless for violence to officers and non-commissioned officers, or for offering violence to superiors; in fact, for instances of insubordination bordering on mutiny, and he sincerely hopes that the power of inflicting corporal punishment for this description of crime will never be taken away; for it immediate punishment is absolutely necessary. Is thoroughly convinced that the soldiers themselves feel the necessity of it, and that, were it put to the vote among those who have served seven years, the majority of voices for the retention of corporal punishment would be very great. Is of opinion that military prisons will, in time, in a great measure, supersede the necessity of corporal punishment. |
| *Col. Brown, 2d Batt. Rifle Brigade* | If there were the power of carrying imprisonment rigidly into effect, and more facilities given for the discharge of incorrigible characters, the *practice* of corporal punishment might be discontinued during peace, but the *power* ought to remain with Courts Martial; first, because, in many places where the troops are liable to serve during peace, recourse cannot be had to prison discipline; and, secondly, because if once discontinued it will be very difficult to revert to it in time of war, when it will be indispensable. |
| *Lt.-Col. Dennis, 3d Foot* (Bengal) | While incorrigible villains are allowed to remain in the service the punishment of the lash cannot be dispensed with. The punishment should increase in severity for each successive conviction. |
| *Lieut.-Col. Boys, 45th Foot* (Madras) | Solitary confinement is regarded by the soldier as a greater punishment than corporal punishment, although the former is much more popular than the latter, being considered as less disgraceful, and less revolting to the feelings and the mind of the soldier. The young man feels the infliction of the cats as a stain upon his early character as a soldier; the older soldier regards it as an indelible mark of disgrace, which follows him into the avocations of private life, when his military career is over. Few instances have ever fallen under his knowledge of a man being thoroughly reclaimed who had been corporally punished. Has endeavoured to establish, for the guidance of Regimental Courts Martial in his corps, that corporal punishment should be awarded for theft, where the party can have no character to lose, or for indecencies of a particular nature, when they come within the cognizance of a Regimental Court Martial. |
| *Lieut.-Col. Fane, 54th Foot* (Madras) | Some men would much rather undergo corporal punishment than many days' solitary confinement. |

| OFFICER'S NAME. | GENERAL OBSERVATIONS. |
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| *Maj-Gen. Sir T. M'Mahon* | No recruit should be enlisted in peace time without a character. |
| *Maj.-Gen. Sir H. Bouverie* | A system of rewards should be introduced, and an intermediate scale of pay for lance serjeants and corporals, in the proportion of one serjeant and two corporals a company. Some distinction for sobriety and good conduct should be established, and an extra penny a-day allowed after a certain number of these. |
| *Col. Sir L. Greenwell.* | The frequency of Courts Martial tend to diminish the respect of the soldier for that Court. |
| *Maj.-Gen. Hon. P. Stuart* | More circumspection should be used in ascertaining the character of the recruits. |
| *Maj.-Gen. Thornton* | Company Courts-Martial, consisting of a serjeant, two corporals, and two privates, for the trial of minor offences, and for inflicting minor punishments, amongst others *cobbing*, should be legalized. |
| *Maj.-Gen. Sir E. Blakeney* | Fives should be established in the vicinity of barracks, and rooms for amusement apart from the canteen. More power should be given to commandiug officer as to confinement in black holes. Courts Martial should be less frequent, so as to re-establish that feeling which formerly attached to them. Encouragement and hope of promotion to adjutants, quarter-masters, provost and town adjutants, should be given to non-commissioned officers. Honorary distinctions and rewards for good conduct should be established. Forfeiture of portion of pension for offences should be inflicted, and there should be more frequent dismissals of the irreclaimably bad men. |
| *Maj.-Gen. Sir Jas. Douglas* | There is one great evil that baffles all vigilance in the officer, and subverts all discipline in the soldier; that is, the quantity of money the men have at their disposal,with no rational means of getting rid of it. |
| *Maj.-Gen. Macdonell* | Premiums should be given for good conduct. Our penalties for misconduct are numerous and severe, but there is little to stimulate to exemplary conduct. |
| *Major-Gen. Sir Col. Campbell* (Nova Scotia) | The soldiers of a regiment should be classed, with immunities, privileges, and prospective advantages, attached to the first class. The powers of commanding officers should be enlarged so as to supersede the necessity of frequent Courts-Martial. Encouragement and punishment should go hand in hand; if the first be increased, the second may safely be diminished. But a different course has been pursued, for, while punishment has been restricted within limits which demand the exercise of much judgment and experience for the effectual maintenance of discipline, rewards, incentives to good conduct, instead of increasing in proportion, have undergone corresponding diminution. "In ordinary times "the effects of such a change may not be felt, but in the day of difficulty, and trial of a "soldier's virtue, what may be the consequence?" |
| *Major-Gen. Sir Lionel Smith* (West Indies) | The service should not be burthened with men convicted of disgraceful conduct, thefts, and so forth, or men who are of known vicious and irreclaimably bad character. They should be discharged with ignominy. |
| *Col. Arthur* (Van Diemen's Land) | Recommends the practical enforcement of a correct system of rewards and punishments, supported by that high moral influence dependent upon a judicious selection of officers of high character and strict moral principle. Unless the good effects of the precepts issued by the officer be evident in his own daily conduct little can be accomplished, for the officer possesses a more direct control over the soldiers under his command than the landlord can exert over the peasantry in his fields, or the manufacturer over the labourers whom he may employ. The possession of military power should be intrusted to those most likely to afford the influence of good example. This applies more particularly to commanding officers. It is essential that an officer so placed should be thoroughly informed upon matters connected with his profession, and possessing,with intelligence, that mixture of decision and mildness of character which are the fruits of a mind habitually regulated by religion and moral principle. Soldiers are generally recruited from the lowest dregs of the community, and are often allured into the service by means of dissipation. He recommends that what is so bad in principle should at all hazards be abandoned; but, till this is done, it is more essential that there should be a high tone of principle in commanding officers to correct the gross material of which the Army, generally speaking, is composed. "I have said that education is "essential, as well as moral character, and so it is: look into the habits of the officers of "almost every regiment in His Majesty's service; how are they formed? Do men study at "all after they get commissions?—very far from it: unless an officer is employed in the "field, his days are passed in mental idleness—his ordinary duties are carried on instinc-"tively—there is no intellectual exertion. To discuss fluently upon women, play, horses, "and wine, is, with some excellent exceptions, the ordinary range of mess conversation. "In these matters lies the education of young officers, generally speaking, after entering "the service." The junior officers should be required to prosecute such studies as may be best calculated to enlarge their minds and improve their judgments, and their progress even in their corps should be made dependent upon their acquirements, professional or otherwise. Admitting the character of the recruits to be too generally what he has described it, and that there must be a multitude of characters to be deterred from crime only by the terrors of punishment, he contends that even in such men reform to a very great extent might be expected, or crime at least abated, if preventive measures were resorted to, and these can be hoped to flow only from a well-regulated corps of officers. "If the officers were not seen so habitually walking in the streets in every garrison town, "the soldiers would be less frequently found in public houses." For the non-commissioned officers he recommends similar measures of instruction; and complains of the general incapacity of the serjeant schoolmaster, who should be a person of altogether higher caste than any now employed, and should rank with the quartermaster, so as to give him more influence. Every commanding officer should be enjoined to consider the business of the regimental school an object of his daily regard, quite as important as the duties of the parade. With respect to the private soldiers, he considers that punishment is unjustifiable, unless it can be shown that every proper measure for the prevention of crime has been previously used. "Punishment, I apprehend, is properly resorted to, not as a "just vengeance upon the offender for the crime of which he has been guilty, but as an "example to deter, while he himself is corrected, other soldiers from transgressing the |

| OFFICER'S NAME. | GENERAL OBSERVATIONS. |
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| | "laws." He holds the example of the officers to be the most efficient means of preventing crime among the soldiers, and of raising their minds above the gratification of mere animal desires. Their notions of happiness, unhappily even at present although less so now than formerly, and their enjoyments, rise no higher than the debauchery of a brothel, or the licence of a public house. The barracks should be made as comfortable as possible, and encouragement held out to induce the soldiers to take their recreation within the barrack walls. The soldiers' wives should be more comfortably accommodated. More comfortable provision should be made for soldiers worn out in the service, and recruiting should be conducted on better principles. The beneficial effects of a careful apportionment of rewards and punishments, and of an unwearied effort to bring into operation the various preventives of crime, have been exemplified most satisfactorily in this colony in dealing with the convicts. Punishment, properly speaking, forms no part of military discipline, it is rather its opprobrium. The lash, or the gaol, should always be considered as the last resort. The grand aim should be to prevent the commission of crime, not through the influence of fear, which is in itself degrading to the soldier, but by supplying his mind with intellectual resources, calculated to render him less dependent for amusement upon criminal gratifications. |
| *Maj. Scarlett, 5th Dn. Gds.* | The propensity to frequent public houses might perhaps be diminished by affording the men the means for manly amusements, although he admits there is frequently a difficulty in inducing men to take such exercise after the work at stables. |
| *Lt.-Col. Wildman, 6th Dragoon Guards* | In Glasgow gaol the men are poorly fed and worked hard, and it depends upon the quantity of work performed whether they have any breakfast or not. |
| *Lt.-Col. Madox, 6th Dns.* | The pensions are on too low a scale: some carelessness on the part of the men is attributable to this; sobriety and good conduct should be rewarded by higher rates of pension. |
| *Lieut.-Col. Campbell, 9th Light Dragoons* | Medals for meritorious conduct to be granted while in the service, and for distinguished conduct before the enemy, would act as a powerful stimulus. |
| *Lt.-Col. Wetherall, 1st Foot* | Commends the discipline of Glasgow gaol, of which the men have a salutary horror. |
| *Captain Jackson, 2d Foot* (Bombay) | Would establish, a reward, a free discharge from the service, and, if serving abroad, passage to the parish of one man in every regiment annually, whose name appeared in the good-conduct book of his regiment for a period of ten years clear. |
| *Lieut.-Col. Breton, 4th Foot* (New South Wales) | Almost amalgamated with convicts as soldiers are in New South Wales, irksome and harassing as are their duties, it requires the most unremitting care on the part of the commanding officer to keep even common order in his regiment. With proper defaulters'-rooms, and means of hard labour, he may do much, but new barracks must be first built. |
| *Lt.-Col. Farquharson, 7th Foot* (Mediterranean) | A man's pay under fourteen years is ample. The grant of the increased pay after that period should only be made by a sworn board of officers, who should take evidence as to general conduct and character. A bad man or thorough drunkard should not be allowed it; and the same board should have the power of depriving a man of it for bad conduct. The penny after seven years should be restored, but given under a similar board for good conduct only. Soldiers should be classed into three divisions. First, those who have passed the Court and received the 2*d.* to be distinguished by wearing two rings of lace round the arm. Second, those who have received a penny to wear one ring. Third, all under seven years, and those who have not passed the Court. |
| *Major Champain, Depot, 9th Foot* | The frequency of Courts-Martial has destroyed their effect, and young men do not dread them so much when they see good soldiers subjected to them for occasional irregularities. Some encouragement might be offered to the soldier of regular habits by a small addition to his pay, after five or seven years' exemplary conduct, to be paid out of stoppages from habitual drunkards. |
| *Lieut.-Col. Freer, 10th Foot* (Mediterranean) | The frequency of Courts Martial has taken from the minds of the men generally the disgrace that should attach to appearing before such tribunals. |
| *Lieut.-Col. Sale, 13th Foot* (Bengal) | Discharge from the service should follow on all occasions where a man becomes incorrigible, and he should be corporally punished, that he may bear the marks of it, to prevent his being enlisted in any other regiment. |
| *Lieut.-Col. Hardy, 19th Foot* (West Indies) | Suggests the establishment of a code of indulgences, amusements, and relief, and the construction of fives-courts and a theatre. Proposes that increased pay should not be given for fourteen years' service merely, but only on testimony of good conduct, and that the penny a day for seven years should be restored with the same condition: that an honorary distinction, such as a crown on the sleeve, should be worn by the good soldier. |
| *Maj. Raper, Depot, 19th Ft.* | Inquiry should be made into the previous character of recruits. Soldiers should be encouraged to play cricket, and other manly games. |
| *Lt.-Col. Harrison, 23d Foot* (Gibraltar) | More encouragement should be given to the well-conducted; there should be a distinguishing medal for good conduct whilst serving: a free discharge after a less period than at present. The last pension warrant holds out very little encouragement to the soldier. |
| *Major Young, 25th Foot* (Demerara) | Courts should be provided at each barrack for rackets or fives. Men allowed to play at these games would become more attached to their barracks, and be induced to deal more frequently at their own canteens for malt liquor, or more probably for rum, which would at all events be good, if procured there. When stationed in the West Indies a regiment ought not to be doomed to so long a banishment; it dispirits the men, and makes them indifferent to their conduct: it ought not also to remain too long in the same island or colony. Medals or other marks of distinction should be given for a certain number of years' good service, and be worn while serving. The silver medal and gratuity now given are frequently delayed till a period after the man has left the regiment. On a distant station there is much greater delay in obtaining for the good soldier the reward for good conduct than there is in bringing the bad to Court Martial; the commanding officer can do the latter, but he must refer home for an authority to grant the former. |
| *Maj. Priestley, Depot, 25th Foot* | It would be desirable that a soldier should be rewarded for good conduct while he is serving, by some badge or other distinction; it would be an example continually before his comrades. |
| *Capt. Hare, Depot, 36th Foot* | Good conduct should be promoted by some slight reward to the good soldier who, from |

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| | want of education, is not qualified for advancement,—a badge, or perhaps an increase of pay, to be forfeited in case of misconduct. |
| *Maj. Johnstone, Depot, 42d Ft.* | The rate of pension fixed by warrant of the 7th of February, 1833, is much too small. Soldiers should be entitled to demand their discharge as a matter of right after twenty-five years' service. A medal, to be worn at the regiment, should be given after fourteen years' meritorious service, or after ten years' good conduct, if the service were above fourteen years. The penny a day should be restored after seven years, but for good conduct. The extra pay to be kept by the Secretary at War, with the consent of the soldier, to form a saving fund payable on the man's discharge; 2*d.* a day to be kept from the pay of each serjeant. This, in point of fact, would form a widows' fund, and the good soldier would be long happy in the prospect of a small sum to assist him when he left his regiment. |
| *Lt.-Col. Bartley, 49th Foot* (Bengal) | Petty offences should be tried by a Court composed of non-commissioned officers, but sentences to be confirmed by commanding officers. |
| *Capt. Considine, 52d Foot* | A system of rewards for good conduct is essential. In some infantry regiments the simple distinction of a ring of regimental lace round the arm for seven years, a second for fourteen, and a third for twenty-one years, had a very beneficial effect. To be deprived of these distinctions for misconduct. A medal for good conduct after twenty years. Soldiers should be made more comfortable in barracks. The allowance of fuel is not sufficient, and in winter men are driven from their cheerless rooms by want of the comfort of a fire to some public house. Rackets and five-courts, and shooting galleries, should be erected in all barracks, and all manly sports encouraged: in short, every possible plan to amuse and employ the time of the young and reclaimable soldier is well worthy attention and consideration. |
| *Colonel Clifford, 58th Foot* (Ceylon) | States that crime has increased in the 58th Foot with the diminution of the power of Regimental Courts Martial and the introduction of the District Courts Martial, which he strongly condemns as tending to lessen the authority, as well as the consequence, of the commanding officer. |
| *Major Walker, Depot, 65th Ft.* | A riband or medal of trifling expense should be employed to designate the men whose names appear in the good-conduct book. The example of a good soldier is frequently lost from having no means of holding him up to his comrades as worthy of imitation. |
| *Col. Nicol, 66th Ft.* (Canada) | Recommends fives-courts, racket-courts, and a place for quoits or other manly amusements for the soldiers; and separate apartments for messing, which rooms the soldiers might occupy in the evenings for reading. |
| *Maj. Johnston, Dep. 67th Ft.* | Recommends the distribution of small medals for good conduct, perhaps in the proportion of one per company in each year: the expense might be defrayed out of the forfeitures for drunkenness. |
| *Major Brookes, 69th Foot* (West Indies) | The establishment of savings' banks in regiments would be productive of good effect, as inducing a soldier to save his pay, and teaching him to set a higher value on money, and not to regard it (as is too generally the case) as the means of affording him temporary gratification in the indulgence of excess. |
| *Maj. Hall, Depot, 72d Foot* | Great benefit would ensue from encouraging a habit of saving in soldiers. They ought to have the means of laying by what they can spare out of their pay. This might be done through the paymaster by the War Office, after the manner of the savings' banks. |
| *Maj. Crabbe, Depot, 74th Foot* | Recommends medals or other honorary distinctions for good conduct while serving. |
| *Lt.-Col. M'Dougall, 79th Foot* (Canada) | While suggesting punishments for the ill-conducted, deplores the absence of the means of rewarding the faithful, sober, and trustworthy soldier; recommends a small increase of pay to a certain number of every corps for fidelity, sobriety, and general good conduct; the amount to be made good out of the fines imposed on delinquents. |
| *Lt.-Col. Dundas, 83d Foot* (Nova Scotia) | Recommends that some distinction should be given to those men whose names are in the good-conduct book, who should be considered as belonging to the first class, and that men whose period of service did not entitle them to have their names entered in that book, but whose behaviour was regular and orderly, should form a second class. The distinction might be trifling, but it would be an object of ambition to the soldier to gain, and be considered and noted as a good and deserving man. |
| *Maj. Trydell, Depot, 83d Foot* | It would be desirable to have it clearly understood throughout the Army that the rate of pension should be granted according to merit, and a difference strictly observed between the well-conducted soldier and the undeserving and ill-behaved. At present, too little or no regard is paid to this essential point, and several instances have occurred of pensions being granted to men of bad character, amounting in every respect to that obtained by the well-conducted, which does not pass unnoticed by the men, and tends much to the injury of the service. |
| *Lt.-Col. Streatfeild, 87th Foot* (Mauritius) | A system of rewards or honorary distinctions to be borne (in the shape of medals or badges) by those men whose names were recorded in the good-conduct book, to be increased after various periods of continued good conduct, would be more likely to produce beneficial results than any code of punishments which can be devised. |
| *Lt.-Col. Anderson, 91st Foot* | Proposes a system of dividing the men of a regiment into three classes:—First class, men who have not been tried for the last five years, nor punished for any fault, and recorded for good conduct. They should be allowed to count three years for every two of actual service, subsequent to every five years of uninterrupted good conduct. In time of war they should be allowed discharge after twenty years' actual service, and in peace after twenty-five years, with a pension of 1*s.* a day. Extra service not to reckon for increase of pay, but of pension on discharge. They should have additional privileges, as furloughs, exemption from extra roll-calls, evening parades when not for drill, and should be entitled to a medal with a clasp for every campaign they have made. For misconduct they should, by Court Martial, be deprived of some of these advantages, and degraded to the second class, and be restored only by subsequent good or gallant conduct. Second class, men of fair character, but who may have been guilty of irregularities, and have been punished by Courts Martial or otherwise. Such men should be liable to be deprived by Court-Martial of the benefit of their past service for a certain number of years, and to be degraded to the |

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| | third class. Their pay not to increase for length of service, except on recommendation of their commanding officer. When discharged, to receive a pension one-fourth less than a man of the same service in the first class. Third class, men of bad character, and drunk or indifferent soldiers; these should be liable to be deprived of the benefit of their past service for a certain number of years, and their pay reduced to a sum not less than 10*d.* a day. Their pay not to be increased for length of service, except on recommendation by their commanding officer, and when discharged to receive a pension less by one-half than men of the same service of the first class. All recruits, on joining the army, to belong to the second class. It would be a great benefit to the soldier to be permitted to leave 1*d.* or 2*d.* a day of his regular pay in the hands of the paymaster to be retained for the soldier's benefit or remitted to his friends. In the field or on foreign service, such a privilege might be granted to the extent of from 5*s.* to 10*s.* a month. |
| *Lt.-Col. Cairncross, 96th Ft.* (Nova Scotia) . . . . | Suggests the grant of medals by the commanding officer, in front of the corps, to old and well-conducted men. The frequency of Garrison Courts-Martial has done away with their utility, and the delay attending them is productive of ill consequences. A Regimental Court-Martial would be more speedily convened, and the punishment would follow more certainly and immediately after the crime. Suggests that, particularly in America, where the winters are long and severe, a building should be attached to each barrack, where drill and athletic exercises could be carried on in all weathers. |
| *Col. Hamilton, 97th Foot* (Ceylon) . . . . . | Suggests racket courts and other places of amusement for the well-conducted, from which ill-behaved men should be excluded; also trifling rewards for good men, who, from want of education, are passed over in selections for promotion. |
| *Lt.-Col. Eeles, Depot, 1st Batt. Rifle Brigade* . . . . . | The soldiers think so lightly of transportation to Bermuda, that four who had deserted from New Brunswick actually requested that they might be brought before a General Court-Martial, in the hope of being sent there. This arose from the representation of a man of the regiment who had been sent there, that he was very comfortable on board the hulks. In fact desertion had not been infrequent from the corps, the men placing themselves in the way to be subsequently captured with a view to being sentenced to this transportation, till corporal punishment put a stop to it. Recommends indulgences to the good and deserving, in passes and leaves of absence, also an addition of 1*d.* a day to full pay, after seven years, or any other period that may be defined, of uninterrupted good service. Advocates the enlistment of a better description of recruits. Disapproves of pensioners being allowed to commute their pensions, and of the rates of pension established by the last warrant. |
| *Lieut.-Col. Dennis, 3d Foot* (Bengal) . . . . . | Too much latitude is given to soldiers to marry in foreign countries, especially in India, where the women they marry most frequently lay the foundation for increasing delinquency by the clandestine introduction of spirits into the barracks, purchasing soldiers' necessaries, and pawnbroking. The captain should not be allowed to furnish necessaries; he frequently delegates the duty to a pay-serjeant, and this man in too many instances connives, through the discreditable conduct of the men, in making away with their necessaries. The practice of volunteering on a regiment leaving India should be discouraged, or the board superintending it should be more careful in their selections. Complains of the practice of concealing crimes or passing them unnoticed, in order that the regimental books may show few Courts Martial, which is most unjust to the conscientious officer. |
| *Lieut.-Col. Green, 20th Foot* (Bombay) . . . . . | Is of opinion that much public good would result from the periodical distribution of rewards and privileges to such men as had made themselves conspicuous by uniform good conduct. |
| *Lt.-Col. M'Gregor, 93rd Foot* | The pension should be regulated by character rather than length of service. Such is officially stated to be the rule, and such he endeavours to inculcate on the minds of his men; but he has found that character seemed to influence very slightly the decisions of the Chelsea Board. The judgment on character at present pronounced by the regimental officers is too general. To enable the Commissioners of Chelsea to form a distinct opinion upon each case, the number of convictions by Court-Martial, or of records in the defaulters' book within a certain long period, should be specified in the body of the proceedings, and the pension be determined accordingly, upon a scale that would combine character and service. After a certain number of convictions by civil or military courts, Courts-Martial should be empowered to award forfeiture of part or the whole of the pension; or to discharge with ignominy incorrigible characters. "It appears to me," he adds, "a mistaken "idea that men would commit crimes with the purpose of being released from their military "engagements: the few whose profligacy might be supposed to induce such conduct "would, I imagine, prefer desertion." On the other hand it would be desirable that the medals and gratuities awarded on discharge should be given at the head-quarters and in front of the corps, instead of being forwarded to the men after their departure. Recommends that the commanding officer should be allowed some discretion in regard to the daily pay system. He considers this, in the West Indies, to be a positive encouragement to drunkenness, from the daily balance being sufficient to place a man under the baneful influence of liquor every day, the rum being so extremely cheap. The system should be strictly enforced in the case of the dissipated, but it operates as a hardship on the well-conducted soldier to be thus subjected to the doling out an allowance in a manner that at once hurts his feelings, and tends to sap his habits of frugality. The sober man knows the object of the daily issue, and feels himself degraded by being treated as if he were like the drunkard, unable to take care of a few shillings. In numerous cases Lieutenant-Colonel M'Gregor has deviated from the letter, to give obedience to the spirit of the order in this respect. He quotes as an instance the desire the light company of his corps have to possess watches. The captain of the company has, in this instance, departed from the system of daily payment, and the consequence is, that there are fifty-two watches in this company, consisting of sixty-two men. In numerous other respects the good man is annoyed by this system; he cannot remit money to his poor relations, which some of the regiment are frequently doing; nor can he make a purchase without bringing himself in debt to his captain, which a really good soldier has the greatest pride in avoiding. Recommends at least a weekly payment for the well-conducted soldier. With reference to Courts-Martial he remarks that he has frequently had occasion to deplore the incon- |

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| | sistency of their decisions, not only with those of preceding and subsequent Courts, but even with their own decisions on the same day. These differences are frequently absurdly dissimilar, and arise from the ignorance or obstinacy of the junior members, who, from a mistaken notion of independence, pertinaciously adhere to their decisions in the face of palpable arguments and facts brought forward by their seniors. He would be glad to see all officers of less than three years' standing in the service rendered ineligible to sit as members of any Court-Martial. They might attend as probationers, but without having any vote or opinion. General Courts-Martial or District Courts-Martial, instead of being composed of a larger number of members, which often really diminishes instead of enhancing the value of their judgments, should be composed of officers of superior rank and experience. Their decisions would be more consonant with justice and discipline, and would secure more extensively than at present the confidence of the soldier. There would be an evident advantage also in diminishing the expense and inconvenience now incurred, especially abroad, in the assembly of a General or District Court. Is not of opinion that crime has really increased in the army, but traces the apparent increase to the greater publicity now given to it, and the impossibility on the part of the commanding officer, even if he desired it, to evade the regulations on this head for reporting to the Horse Guards the most trifling irregularities. Courts-Martial have vastly increased within the last few years; but this is not so much a proof of the increase of crime as it is the natural result of the abridgment of the powers of commanding officers to punish slight offences at their own discretion. The curtailment of the commanding officer's authority to restrain petty offences has a strong tendency to increase the number of graver crimes, and to render Courts Martial unavoidable. If these powers were clearly defined, they might with as much safety be lodged with a commanding officer as with any Regimental Court-Martial. There are numerous cases of default in which the maximum punishment which the commanding officer can now award is not sufficient; and if he refer them to a formal trial he may be leading soldiers who, on the whole, are hopeful, across that Rubicon of respectability, trial by Court-Martial. Any enactment that would so extend a commanding officer's influence and power as should diminish the frequency of Courts-Martial would be advisable. The inquiries that should precede the exercise of the commanding officer's authority should be conducted in a formal manner, and the witnesses should give their testimony on a declaration, and the judgment should not be pronounced till the following day. The power lately given to Regimental Courts-Martial should, in like manner, be vested in commanding officers to stop 1*d.* a day for a month for habitual drunkenness. Punishments, to be effectual, should be certain and summary; and the delay that attends the assembly of a Court-Martial induces the soldiers to take greater liberties than they would venture to do if they could be visited with prompt punishment by the commanding officer. Inducements should be held out to young men of previous steadiness and respectability to enter the service, and facilities granted to purge the army of incorrigible blackguards. Suggests that the recruiting for regiments should be localized in such a manner as would bring masses of men from particular counties into the same corps; and he states that in consequence of his confining his recruiting to the northern counties of Scotland, he has collected together groups of relations and neighbours, who act as friendly checks and spies upon each other's conduct. For if one of this class of men happen to be tried by Court-Martial, or even shown up as a defaulter, innumerable pens convey the intelligence to his parish, and an affectionate remonstrance with the offender, on the part of his parents or other connexions in the Highlands, produces a more powerful effect in recalling him to a proper sense of his duty than any exercise of authority. On an average the 93d dispatch twenty-eight to thirty letters daily, and receive in reply about two-thirds of this number; and he thinks this interchange of 16,000 or 17,000 letters yearly between the soldiers and their friends is attended with advantages to both parties. Is of opinion that the universal education of the soldiers, if it be based, as it ought to be, and invariably is in Scotland, on religion, is the only sure foundation of true loyalty as well as of consistent morality and sound discipline; and the question for consideration is, whether the commanding officer, by giving means of innocent and useful reading, should not endeavour to support the instructions of their religious teachers. He invariably places the Scriptures in the hands of those who can read, and has the satisfaction of knowing that this is not always done in vain. He proposes further, the establishment of libraries in barracks. |
| *Maj. Pritchard, 71st Foot* | Suggests the grant of a medal for five years' irreproachable conduct, and after ten years' increase of pay and a clasp, another clasp after fifteen years, and after twenty years a cross should be given, with a right to discharge with all the present advantages. The number of medals in each regiment to be limited to ten. The happiest results would attend such a system; the men would constantly have before them something to stimulate them to good conduct. In times of war an additional medal might be given for gallant conduct in the field. |

*Letter from Sir John Wilson, received at too late a period to be arranged under the several Divisions of the Subject.*

SIR, *Kandy, Ceylon, 26th June*, 1835.

Letter from Sir John Wilson.

I HAVE the honour to acknowledge the receipt of your communication of October, 1834, giving cover to the copy of a letter with a series of queries, addressed to commanding officers of regiments and depots, and conveying to me Lord Hill's desire to know my sentiments on the several points contained in those queries, as well as to receive any suggestions relative thereto which my experience might enable me to offer.

Although the subject is one upon which I have bestowed much anxious attention, and although I have, at different times, ventured to submit, for the consideration of the General commanding-in-chief, my opinion on some of the points referred to in the queries, yet I must confess that the subject, examined with a view to the establishment of a good, practical, and uniform system of military rule, free from all speculative opinions, having for its object the moral improvement as well as the penal correction of the soldier, and blending justifiable means of preventing with the most effectual mode of punishing military offences, involves a question beset with many and serious difficulties; nor is it, in times like the present, the least embarrassing of its considerations, to be able to devise in what manner the exigencies of military discipline may best be conciliated with the prepossessions of public opinion.

Military bodies, as compared with other institutions, are so peculiarly organized and ruled,—so much in the government of men with arms in their hands depends on the means afforded to the few, of enabling them to discharge their heavy responsibility, and to maintain, undiminished, the utmost moral influence over the many,—so much of what should constitute this ruling principle ought to be derived from sound practical experience, and not from abstract theory, that I conceive any innovation, especially such as tends, in the least degree, to loosen the ties of responsibility, or to disturb the supports upon which military authority has so long been based, should be proposed only on the most deliberate and practical conviction, that military discipline would not be compromised by its adoption; and when the proposition involves so serious a question as that of the abolition of any part of our penal code, it should be accompanied by another proposition, containing a prompt and effectual substitute for the portion of power which it may have been deemed expedient to recommend to be withdrawn. Suppose, for instance, a proposition to be made for abolishing corporal punishment, on which so great a diversity of opinion exists—some holding that mode of punishment to be objectionable, and urging its immediate prohibition—others considering it to be as yet essential to the maintenance of military discipline, and advocating its retention: I would say to the abolitionist, if you do away with corporal punishment, be pleased to replace it by some other penalty that experience, derived from the actual command and management of troops, tells us would prove equally efficacious as the power to be cancelled, for without this necessary precaution, the evils to which discipline would, in the interim, be exposed, might be such that even the plea of humanity, or of promoting the moral elevation of the soldier, would ill suffice to justify the indiscretion that had produced them.

As to the general question of military punishment, it would be next to impossible to lay down a system that should embrace the various opinions entertained on the subject, or that would not be liable to some objection or another. The least objectionable I conceive would be that which in the greatest degree combined the following requisites:—

1st. That the punishment be attended with due correction to the offender.

2d. With an effectual example to others.

3d. With benefit, instead of expense or inconvenience, to the public.

4th. With as little detriment to the effective soldier as possible, who should not be made to suffer for the faults and offences of others.

But it is only in the minor punishments, such as may be inflicted without the sentence of a Court-Martial, that, to a very limited extent, these requisites are to be found combined. For instance—*confinement to barracks, dry room, knapsack drill*, and *certain fatigue* duties, &c. These, in a minor degree, are distressing to the individual, exemplary to others, unattended with inconvenience to the public, and impose no additional duty on the effective soldiers. The higher the scale of punishments rises, the more will one or the other of these requisites be found wanting, except in the case of corporal punishment, on which subject, presently, I shall beg to offer a few observations.

It is a fact, of which the service is destined daily to verify the lamentable truth, that our military punishments are far from proving as efficacious as could be wished, or as the ends of discipline require. Yet, such as they are, I believe that much more effect might be given to them than would appear to be the result of the practice at present pursued.

For instance, in awarding punishment it would be well that the Court should inquire into the natural character and disposition of the accused, since it is certain that men are not affected in the same manner or degree by the same punishment; that which makes one man reform renders another reckless; what rouses sensibility in one individual, deadens it in another. Some feel solitary confinement more than imprisonment with hard labour; others, on the contrary, are more sensible to the shame and distress of hard labour: hence, also, it is desirable that Courts should have the power of awarding both, conjointly, in cases where it may be shown that, separately, they have had no effect on the offender; of course I do not mean as at present authorized by the *9th clause of the Mutiny Act*, but that the prisoner shall be liable to hard labour during the period to which he is sentenced to solitary confinement; so that while at work he should be rendered incommunicable, and after it should return to his cell: thus, solitary labour, followed by solitary confinement, might produce the desired effect, while experience tells us that aggregate labour, succeeded by aggregate imprisonment, for however long a period, in most cases makes no impression, and is attended with no beneficial results. The convicts are assembled after their labour in the same prison-room, where they manage, in some way or other, to beguile the time. Liquor is often introduced through the connivance of the sentry, and they, moreover, pass every night in bed; so that many, when they become habituated to it, prefer this sort of punishment to regimental duty. (*See the Report of the Staff Officer of Kandy*, who has the charge of the penal station at that place.) In ensuring the efficacy of punishment, much also depends on the mode of carrying it into effect. If the penalty be coupled with laxity or indulgence, the object will be in a great measure, if not wholly defeated. Culprits under sentence of hard labour should, as far as practicable, be tasked, particularly where the superintendence is inadequate, and in default, the prisoner be subject to *bread and water, solitary confinement in addition to labour*, or other coercive treatment. Steady non-commissioned officers should be selected as superintendents. Sentries,

Letter from Sir John Wilson.

generally, have too strong a community of feeling with military prisoners, and much relaxation, and even licence is sometimes the result of their connivance; it is, therefore, next to useless to trust much to their vigilance; in proof of which I will here relate a circumstance that occurred about a year ago at Kandy. Having established a military penal station at this place, a non-commissioned officer was put in charge of our convicts. From some cause, he happened on one occasion to be absent, when four of the most desperate of the gang, availing themselves of the opportunity, and trusting to the forbearance of their comrades who were placed over them, quitted their work, and seizing a woman who was passing at the time, they violated her person in the most outrageous manner, in presence of the very sentries who had charge of them. The female preferred a complaint, but not being able to identify the perpetrators of the crime, the case was dismissed by the magistrate, and the offenders escaped with impunity: not so the sentries, who were tried for disgraceful conduct and gross neglect of duty, and the most culpable of the two was punished corporally.

Men when in confinement ought not to be too highly pampered and fed. The full 6*d.* is drawn, and generally laid out for their subsistence, when, in many cases, less would suffice, and some commanding officers were in the habit of crediting the soldier, at the expiration of his imprisonment, with whatever unexpended balance remained in hand out of the 6*d.*; but these and other objectionable practices in the treatment of prisoners, I have used my best endeavours to remedy, particularly since I have succeeded in having our culprits transferred from civil to military custody and superintendence.

On this point I beg to state, most emphatically, that there is no system so demoralizing, none that tends so much to render the soldier reckless of punishment, or to encourage and perpetuate misconduct, as civil gaol discipline. I speak only as I have been able to witness its effects on the British soldier in this colony, where the men are allowed to have arrack in prison, to go out occasionally for their amusement, and also to work at their trades in the gaol if so disposed; thus furnishing them, when released, with the means of renewing their old habits of vice and intemperance, while the benefit of example in this manner is lost, as it could not have the effect of deterring others from incurring the penalty of such imprisonment. I shall here refer to a communication received from Colonel Hamilton, commanding the 97th regiment, which concludes with the following striking remark: "*I believe that many of the "crimes lately committed have been done with the view of being sentenced to confinement in the "Colombo Gaol.*" Satisfied from this, as well as information received from other quarters, that this laxity of gaol discipline did exist, and was productive of very injurious consequences to the service, I felt it to be my duty to address the local government on the subject; and although it was impossible to convince the authorities concerned that such a system was, or could be, prejudicial to military discipline, His Excellency was, notwithstanding, pleased to grant a separate establishment, at certain military stations in the island, pointed out by me, where we have the exclusive custody and superintendence of our military prisoners. They are now placed under the general management of the staff officer (a sort of town major) at each of those stations, with a staff serjeant at 1*s.* 6*d.* per diem, who acts as an overseer to them while at work. The inclosed return will show the comparative result of gaol discipline and military superintendence. There is also another objection to civil confinement, which is, that 6*d.* being credited to each prisoner, the balance, if any, goes into the gaol fund; whereas, in military custody, it might be appropriated to many objects of regimental utility.

For the reasons I have just stated, I am decidedly of opinion that military prisons should be substituted for civil gaols, and that military penal stations should be established at home, as well as abroad, in order to enable the service to carry its own punishments into effect, free from the absurd and mischievous anomaly of civil interference. Hence, with reference to the question of efficiency, as regards the punishment of "imprisonment with hard labour," and "solitary confinement," I come to the following conclusions, viz.:—

1st. That they should be awarded, not indiscriminately, but as much as possible, in opposition to the natural habits and disposition of the man.

2d. That as continued aggregate labour, followed by aggregate confinement, produces little effect, Courts-Martial should, therefore, have the power of awarding hard labour *conjointly* with solitary confinement.

3d. That civil gaols render military punishments altogether nugatory, and are moreover destructive of the morals and discipline of the soldier confined there.

4th. That military penal stations should be established at convenient points, such as fortresses, or where public works are carrying on; that the gangs should be divided into sections according to their crimes, placed under the control of steady non-commissioned officers, and be amenable to such discipline as should give them a thorough distaste for this sort of punishment.

5th. That 6*d.* each per diem should be drawn and expended on the prisoners only according to their deserts; the surplus to be laid out in objects connected with the general treatment and government of the prisoners, but on no account in any personal indulgence or gratification granted to the delinquent.

6th. That in solitary confinement the allowance should be limited to bread and water, or at least to a proportionate or corresponding diet, which, while it would add to the penal infliction, would, as is known from experience, rather tend to restore, than destroy, a constitution impaired by intemperance.

7th. That until such penal stations be established, the prisoners should be separated and dispersed as much as possible, so as not to be within reach of receiving encouragement or consolation from the sympathy of friends and comrades.

*Comparative Effects of Imprisonment with Hard Labour and Solitary Confinement.*

In awarding these punishments with any effect, much will, as I have already observed, depend on bearing in mind, at the time, the natural character and disposition of the individual to be sentenced.

It would appear that in this country, *hard labour*, beyond a certain period, begins to lose its effect, and continues to do so in proportion to its duration, till at length, by force of habit, many men come to prefer it to regimental duty.

"*Solitary confinement*," in its effect, appears to be the reverse of "*Imprisonment with hard labour*," inasmuch as the penalty increases in severity in proportion to its duration. The longer the one lasts, the less irksome the punishment: the longer the other, the more intolerable it becomes.

The first, unless it could be rendered more efficacious, should not be prolonged beyond a year.

The latter, not beyond three months.

It should, however, be observed, that in this country neither of these punishments can be very

effectually applied. The former, because the climate will not admit of the European prisoner being exposed either to the heat of the sun or to much fatigue. Letter from Sir John Wilson.

The latter, because the cells cannot be rendered sufficiently dark, without excluding the air that is necessary in this climate.

*Corporal Punishment.*

This is a question of such vital importance to the discipline and welfare of His Majesty's service, that I trust I shall be excused for entering somewhat fully into its consideration.

I beg to premise, that no one is more earnestly desirous of seeing this degrading, but I lament to say, often well merited, punishment abolished than I am. Sincerely, therefore, should I hail the day which would afford the assurance that the discipline of the British army could be effectually maintained without the painful necessity of having recourse to the humiliating aid of the triangles; yet I much fear, that so long as the ranks of the service are open to the admission of the worst of characters, —that they continue to be infected with the vices of the mass from which they are recruited,—that they are suffered to retain men utterly insensible to every other mode of correction, and who, reckless of consequences, may be looked upon as a disgrace even to the triangles themselves,—so long as the moral improvement of the army shall not in the first instance take the lead, and indicate the inutility of corporal punishment,—so long do I fear will it be impracticable to abolish it altogether. It becomes, as it were, a choice between corporal and capital punishment; for how, in the event of its abolition, could the crime of insubordination, partaking of the character of mutiny, be dealt with? How could the person of the officer or non-commissioned officer be protected from violence, without having frequent recourse to the extreme penalty of the law? It cannot too strongly be borne in mind, that the chief object of corporal punishment is example; it should therefore be made as promptly, publicly, and impressively as circumstances will admit of. The very fear of incurring the disgrace of it must deter many from the commission of certain crimes, which it is of paramount consequence to the safety of the service to prevent, rather than to punish: it is a support to military authority which cannot hastily be struck away but at the imminent risk of shaking the very edifice to its foundation. The chief argument against it is, that it degrades the man, and is a stigma on the service; but are we to see nothing except the penalty, and are we to allow it to blind us altogether to the cause which produced it? Is it not rather the crime that constitutes the degradation—the punishment the measure of the guilt? Do away with or diminish the severity of the one, and you do away with or diminish the conventional or military guilt of the other. Again, increase the penalty, and you magnify the conception entertained of the crime. Insubordination in civil life has little or no penalty attached to it; it is, therefore, felt to be no offence, or at least a very venial one; but in military community it is necessarily classed among the gravest of offences, and as necessarily requires a severe penalty to be affixed to it, as the conventional mark and measure of its guilt. If, then, the penalty, in its severity, is not greater than the magnitude of the crime calls for, and in its character not more ignominious than the disgrace with which the crime deserves, and demands, to be stigmatized,—if, I say, punishment be viewed in this light, as the just and equitable measure of crime, *then* the only point that remains for consideration is, that of its due and proper application.

Corporal punishment, after all, is a penalty that men of good, even of tolerable conduct have no reason to fear, it can have no terrors for them; while on the other hand it has the effect of deterring those who are insensible to all other means of correction, of counteracting the influence of example on others, of sparing the good soldier from the hardship of being burdened with the duty of those who would otherwise be for ever passing from one species of imprisonment to another, and, finally, of impressing on the army generally a deeper sense of the guilt attached to certain crimes by the more degrading punishment thus affixed to them.

The feelings which at present influence the officers of the army generally, and their earnest desire to carry into effect the instructions of Lord Hill on the subject of corporal punishment, offer a sure guarantee that the power still vested in the service will not be misused. Corporal punishment is at present comparatively of rare occurrence; it is seldom awarded, and inflicted only in cases where every other means of reclaiming the offender have been tried, and have failed; but it is a fact, which it would be vain to attempt to conceal from ourselves, and I state it not so much with a view to recommend a recurrence to the past as to awaken a regard to the future, that military delinquency has increased as the use of corporal punishment has diminished.

I shall now proceed to notice some of the most prominent, and I regret to add, prevalent offences to which the British soldier is addicted, and to point out some of the cases, to meet which, I think the power of awarding corporal punishment should continue to be vested in military courts, at least until some other mode of punishment equally prompt, deterring, efficacious, and exemplary, be devised to supply its place.

There are two crimes, which, though they differ essentially in the nature of their guilt, are of so grave and injurious a tendency, that it is hardly possible to visit them with too marked or exemplary a severity; I mean *gross insubordination*, and *drunkenness on duty under arms*, with the latter of which I class that of a sentry's quitting or sleeping on his post.

These crimes, which are exclusively military, should, of course, be dealt with according to the circumstances and degree of the offence, but the power of awarding to them the most exemplary punishment should be reserved to the service, as one of the means essential to its self-preservation.

Insubordination is but a degree of the crime of mutiny, and sometimes not easily distinguishable from it. In such cases, no imprisonment, no hard labour, no solitary confinement can suffice; the crime must be stigmatized; the offender must be humiliated, and the spirit crushed by a public and deterring example, or the service must be sacrificed. Drunkenness on duty under arms is a crime which soldiers ought to be made sensible is in the highest degree disgraceful to the *military* character, as much so as fraud or theft is to the *moral;* for when he thus deliberately incapacitates himself for the performance of his duty, is it not by a serious military crime that the offender defrauds the public of his services; and it may be an important service, one, perhaps, involving the safety of thousands of property, or what is more, of thousands of lives? If then the offence be considered one of a dangerous and disgraceful character, it is but just, as I am sure it is essential to the interests of the service, that it should be stamped as such by the nature of the punishment awarded to it.

It is a crime which, from the forbearance at present exercised towards it by Courts Martial, I lament to say is becoming extremely prevalent. *Simple* drunkenness on duty is of frequent occurrence, but there is at present a most aggravated case of this kind before me, of which it is my intention to endeavour to make a severe example. It is the case of a soldier of twenty-two years'

Letter from Sir John Wilson.

service, who, when posted as a sentry, abandoned his post, his arms, and his accoutrements to go to an arrack shop to get drunk. The officer in command of the detachment is far from being wanting in zeal and attention to the service, and therefore such instances of gross violation of duty, which in former times rarely occurred, I can only attribute to the disuse of the public and degrading example which formerly never failed to meet the guilt, and to mark the military disgrace of that crime. There are other offences of an immoral character, such as *theft*, and *certain indecencies*, which, however, I do not notice among the prevalent offences of the British soldiers, but which ought not to be excepted from corporal punishment; beyond these, namely,

1st. Gross insubordination.
2d. Drunkenness on duty under arms.
3d. A sentry sleeping on, or abandoning his post.
4th. Theft.
5th. Certain indecencies.

I would restrict the infliction of corporal punishment; but in the above cases it should be imperative on the Court to award this sentence, subject, as at present, to remission or mitigation at the discretion of the approving authority.

*Drunkenness.*

Drunkenness (a crime in itself) is not only the most prevalent, but at the same time the most fertile source of all other crimes in the British army. To restrain it should be the earnest endeavour of every well-wisher of His Majesty's service. To eradicate it would, I fear, prove a fruitless undertaking. It is one (and the chief) of those pernicious propensities with which our ranks are infected from the dram-drinking class of our population; and so long as the vice continues to bear a national character, I foresee very little chance of effecting a radical or extensive improvement in this respect throughout the army. Every means within the limits of military authority has here been tried with a view to check and prevent it, short of closing all the arrack shops in the country, which, from the facility they afford of obtaining this ardent spirit, may be considered one of the principal causes of drunkenness among the troops. But the arrack rent forms a source of colonial revenue over which I have no control. I have however issued orders—addressed the troops—claimed the aid of commanding officers—made severe examples—and we tried even temperance societies, and all that I can flatter myself we have been able to effect is merely to have prevented this evil from visibly increasing, and, what perhaps is of still more importance, to have deprived it of much of its concurrent criminality, such as violence and insubordination. In many cases this detestable propensity amounts to a perfect infatuation, which no human power can effectually remedy or control. I will here cite one instance, among many, which came within my own personal knowledge. Thomas Carr, a private, of the fifty-eighth regiment, about twenty-five years of age, was brought to trial for habitual drunkenness, and gross insubordination to his commanding officer; the case occurred previous to the execution of the unfortunate Masterson for striking the officer of his company in the discharge of his duty. I had him brought from Kandy to Colombo, to witness, with other prisoners, the awful consequences of a crime, to which, in some degree, his own bore a strong resemblance. The following day I had him brought before me. The culprit received from me a suitable admonition; he evinced the strongest signs of repentance, made to me personally the most solemn protestations of amendment, and declared that I might with confidence assure his commanding officer that he would commit himself no more. I accordingly gave him a pass, and a letter to Colonel Clifford, and the result was that he had scarcely passed the gates of the garrison when he got thoroughly drunk, and that very evening was taken up by an escort and brought back to the main guard in a disgusting state of inebriation. On rejoining his regiment he gave some token of amendment, but soon after relapsed into his former habits of intemperance, though I have not heard of his having been again guilty of insubordination, and he is now undergoing a protracted sentence of imprisonment with hard labour at Trincomalee.

With respect to *habitual drunkenness* I know of no more effectual mode of restraining it than (in addition to other punishment) that of depriving the drunkard of the means of indulging his propensity —that is by *forfeiture of pay:* it is a powerful auxiliary in restraining drunkenness, but is far from being rendered as available as it might be. The law, as it at present stands, is but a half measure; its principle is unjust and defective: unjust, inasmuch as it leaves the *additional pay soldier*, who least deserves it, the means of getting drunk every day of his life, while, perhaps, the minor delinquent is made effectually to undergo this necessary deprivation; it is defective, because in this manner it stops short of the end it professes to arrive at.

Incorrigible drunkards who thus disqualify themselves for duty, should be fed and clothed, and no more. The law should grant the power of imposing forfeiture to that point, or it will fail to afford adequate protection to the service; it should also be declared criminal for any soldier to supply another under forfeiture with the means of getting drunk, for which act he should be rendered amenable as an accessary. But to avoid adding unnecessarily to the length of this communication, I beg to refer to a letter addressed to you, dated the 30th September, 1834, where I have entered fully into the subject. I will merely repeat that forfeiture of pay is one of those levers in the hand of power which, if used to its full extent, might be productive of the best results.

*Classification.*

The classification of cases or circumstances under which offences are committed, may be considered as a classification of crimes. It is a question of difficult and complicated consideration, whose theory after all would probably fail if submitted to the test of practice.

It would no doubt be extremely convenient, if it were practicable, to reduce the crimes and punishments of our penal code to an arrangement of order and class, or to distinct heads, and these to the various degrees into which they might be susceptible of being subdivided. For example, and I throw it out as a mere hint, I would bring all military offences under as few heads as possible, say, such as affect—Subordination.

Military or disciplinary efficiency.
Moral character.

I know hardly any military delinquency that might not, in some manner, be brought under one of those divisions.

The next arrangement would be to divide these three orders into classes, that of "*Crimes affecting subordination*" into *mutiny*, *sedition*, *disobedience of orders*, *plunder*, *violence*, and all other crimes reducible under this head, and these into as many degrees as might, from the result of experience, be

found practicable and convenient. For instance "*mutiny*" should comprise every *distinct* degree of the offence from mutiny down to disrespect.

The same principle to be observed with the 2*d order*, namely "*Crimes affecting military or disciplinary efficiency*," to comprise *desertion*, *absence without leave*, *drunkenness* generally *habitual*, on duty *under* arms, *not under* arms, *quitting his post*, *sleeping on his post*, all species of military negligence, to be subdivided into degrees as might be deemed expedient. The third order, "*Conduct of a disgraceful nature or reflecting on the moral character*," as *theft*, *fraud*, *profanation*, *indecency*, *selling or making away with arms*, *ammunition*, *necessaries*, *wilfully maiming or otherwise injuring his person*, *&c.*, and these to be subdivided as above suggested. The whole to be accompanied with a general clause, as at present, to comprehend any military offence that might have been omitted.

I offer these few hasty observations more from a desire of compliance with the 8th query, than from any settled conviction of the practical utility of such an arrangement, but it leads to the consideration of another measure which I think might be adopted with advantage to the discipline of the army, I mean the separation and classification of hardened or habitual offenders.

As it is not, for many reasons, expedient to discharge men from the service for misconduct, except in very special cases, I would institute in each corps a section, or squad, to be called the *delinquent*, or *general service squad*, or by any other more appropriate designation. It should be composed of two classes—be distinguished by some conspicuous mark on the dress—have a separate quarter and mess—be rendered as incommunicable as possible with the rest of the corps, except on duty—do all duties, save those of particular trust or distinction—receive no indulgence in common with their better behaved fellow soldiers—be amenable to a more rigorous system of discipline, even to corporal punishment, where other soldiers are not subject to it, as well as to a close and constant surveillance—be liable to the extreme forfeiture of pay—reckon no service during a period of degradation—forfeit all claim to additional pay and to pension, and ultimately be liable, should they prove incorrigible, to general service, that is, to be transferred when the regiment should be relieved—if abroad, or to be sent to the colonies, if at home.

Degradation to this squad might always be made to precede the infliction of corporal punishment, so that by confining it to this squad *alone*, for whom there would exist no regimental sympathy, it would thus amount to a virtual abolition of corporal punishment in the better part of the army, as no soldier could be liable to it, except in the delinquent squad, upon the principle at present applicable to the non-commissioned officer, who must first be reduced to the ranks ere it could be inflicted on him.

This squad should be placed under the immediate superintendence of the adjutant and serjeant-major, and have attached to it a proportionate number of steady non-commissioned officers, it being considered a merit to be selected for a duty demanding increased zeal and exertion in its performance, and to be rewarded as such, if it be duly and efficiently discharged.

Offenders liable to be degraded to this squad, only by the sentence of a Court-Martial, either to the first or the second class, and none to be released, but from the first class, to belong to which shall be considered as an indication of a return to moral improvement. The establishment of a penal squad would also have the advantage of enabling the commander-in-chief to judge more readily of the moral state of each corps, by having thus placed under his eye the bad and criminal portion of it.

Having treated somewhat at length of the various modes of coercion necessary to the due maintenance of discipline, I shall now devote a few observations to the aid which discipline might also derive from taking advantage of the good propensities of the soldier, and adopting a proper and corresponding system of indulgence, mild treatment and encouragement, as the most effectual means of raising the moral character of the soldier, and impressing on all those who are susceptible of it, true and steady principles of general good conduct.

When men can be led instead of being driven, the task to the officer is not only lighter, but the result surer. There is no auxiliary measure that would, I am convinced, contribute more to give effect to such a system than the establishment of the squad I have just described. As it is, the bad being indiscriminately mixed with the good, their immediate contact is apt to contaminate the young soldier, and familiarize all with their reiterated acts of misconduct.

It would have a good effect to excite a strong and united regimental feeling among the men against such offenders, which cannot be effected so long as familiar and promiscuous intercourse is allowed. Such indistinction produces no stimulus either to the good or the bad—no motive for encouraging the one, or reclaiming the other.

The men must be made directly instrumental to their own moral improvement, if that improvement is to be solid or lasting; the time of the soldier should be fully and beneficially employed. If drunkenness is so often the parent of military crime, idleness may be considered as the progenitor of both: it is therefore in the highest degree essential, on the one hand, to divert the mind from vicious propensities; on the other, to direct it to good.

Healthy and amusing games should be promoted.

Regimental libraries form a great resource to the men. The knowledge which should, in preference, be inculcated, should be that which would instil sound principles of military conduct. *Military History*, and particularly amusing anecdotes illustrative of the most striking military virtues, such as courage, subordination, sobriety, endurance, and all the other attributes of a good soldier, with their rewards. The reverse, with their punishments, should be among the leading works of amusement and instruction. These they would read and study with pleasure and attention, and the moral might be drawn from their own conduct.

*Regimental Schools*, when properly superintended, are, I know, productive of excellent effect. I have remarked it more particularly in the 78th Highlanders, where adults are admitted; and it gave me infinite satisfaction to witness the moral and mental improvement which appeared to be the result of that excellent and well-managed institution. Such establishments, however, are not made the most of, for want of pecuniary means; the expenses attending them, such as instructors, books, paper, uniform clothing for the boys and girls, might, in a great measure, be defrayed from the forfeiture of pay imposed on the bad and worthless soldier. Our attention to these objects is besides calculated to make a good impression on the regiment generally.

The hope of reward is one of the strongest incentives to good conduct, and the army has, under Lord Hill, had ample proof that this principle has not been overlooked. It has seen that the door to preferment has been (as it will no doubt continue to be) from time to time thrown open to the deserving non-commissioned officer who may thus aspire to the higher ranks of the profession. I would, therefore, in conformity to so just and encouraging a principle, recommend that serjeant-majors, having served a certain number of years, of which so many as serjeant-major, and whose

Letter from Sir John Wilson.

moral and military conduct shall have been unimpeachable, should be allowed to retire from the service with the rank and half-pay of ensign; thus the old non-commissioned officer, whose time of life is an objection to his being promoted in the regiment, while in the young one it is not so, would then, unaffected by any such invidious distinction, be enabled to look forward with pride and confidence to the just reward of his long and honourable service. The trifling difference between the pension of serjeant-major and the half-pay of ensign, and the comparative few to whom the boon would be due, would, I presume, preclude the possibility of raising any reasonable objection to the adoption of a measure calculated to uphold the estimation and to encourage the exertions of one of the most useful and important classes in His Majesty's service.

I now beg to apologize for the length of this letter; and though the suggestions I have offered should be found to contain little that may be considered new or original on a subject which has been so often and so much more ably treated, yet it may be some satisfaction to the General commanding-in-chief, and to yourself, in the responsible situation you hold, to see those principles and opinions which have so long and successfully directed the interests and energies of the British Army confirmed, as it were, by the admission, from so many quarters, of the impracticability of suggesting any material change or innovation in the present system of discipline, without imminent danger to the military institutions of the country.

I have the honour to be, Sir,
Your most obedient humble Servant,

*The Adjutant-General,*
*Horse Guards.*

JOHN WILSON,
*Maj.-Gen. Com. the Forces.*

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*Extract from a Report of the Staff Officer of Kandy.*

Extract from a Report of the Staff Officer of Kandy.

"With regard to the effect of imprisonment with hard labour on the soldiers, "physically," I am of opinion that they improve in health, and are far more capable of enduring fatigue after a few months' confinement than on their committal. The bodily exertion required in the performance of the culprit's task becomes light from practice, and the irksomeness of confinement softens by time, when imprisonment with hard labour becomes an extremely mild punishment; and, if on returning to his duty, that duty should be severe, it will have become, from disuse, almost as disagreeable and irksome to the man as the hard labour was at the period of his release."

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Sir,

*Colombo, 24th August*, 1833.

Letter from Lieut.-Col. Hamilton.

I have the honour to state to you, with the view that it may be made known to the Major-General commanding the forces, that the military prisoners now in the gaol of this place, under the sentence of Courts-Martial, (as I am informed from good authority,) are by no means kept as strict as they should be, as it can be proved that private Dashwood of the 97th regiment is permitted to work at his trade, (carpenter,) and has sold a box for 10*s.*, besides offering to make brushes for the purpose of sale; as the object of the sentence will be completely defeated if it is made evident that the punishment is turned into an indulgence, I hope some steps may be taken to cause a change in their treatment in future, as I believe that many of the crimes lately committed have been done with the view of their being sentenced to confinement in the Colombo gaol.

I have, &c.,

(Signed) C. HAMILTON,
*Col. Lt.-Col. 97th Regt.*

*Colonel Muller, Commandant, Colombo.*

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*Comparative Results of Imprisonment in Civil Gaol, and under Military Superintendence, in this Island.*

| | | |
|---|---|---|
| Become worse, | Cases in civil gaol | 1 in every 4 cases. |
| | Ditto military | 1 in every 9 ditto. |
| Remained the same, | Cases in civil gaol | 1 in every 2 ditto. |
| | Ditto military | 1 in every 4 ditto. |
| Improved in conduct, | Cases in civil gaol | 1 in every 5 ditto. |
| | Ditto military | 1 in every 3 ditto. |

JOHN WILSON, *Maj.-Gen.*

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## SUPPLEMENTARY PAPERS FROM CAPT. HON. JAMES HOPE, COLDSTREAM FOOT GUARDS, AND LIEUT.-COL. HON. G. CATHCART, 8TH FOOT.

*Supplementary Memorandum from Capt. Hon. James Hope, Adjutant, Coldstream Guards.*

Supplementary Memorandum from Capt. Hon. Jas. Hope.

The object of all military punishment being that it should follow as certainly and speedily as possible after the commission of an offence, I think that, to a certain extent, the "Regimental Court-Martial," held and confirmed by the authority of the commanding officer, and the sentence of which may be carried into effect almost immediately, is a better tribunal than the "District Court-Martial," in the formation and before the final approval of which much difficulty and delay, in many cases, necessarily occurs. I think, therefore, it would be very advisable to give to commanding officers more discretionary power, as to trying certain offences by Regimental Courts-Martial, than is at present allowed to them; and I am convinced that it would be of the greatest advantage to the service if the powers of the Regimental Court, as to sentencing imprisonment with hard labour, or solitary confinement, were very considerably extended.

At present, in consequence of the great discouragement of corporal punishment, and the reduced powers of Courts Martial, the sentence of the Regimental Court is not the same object of dread to the soldier as it used to be formerly; and commanding officers knowing that by confinement to barracks or to the defaulters' room, drilling in marching order, frequent roll-calls, &c., they can inflict as severe a punishment as that involved in short imprisonment with hard labour or solitary, feel obliged, in order to ensure an adequate sentence, to bring men to District Courts-Martial for offences which it would have been much better to try by the more certain and speedy Regimental Court.

Supplementary Memorandum from Capt. Hon. Jas. Hope.

This applies more particularly to the crime of insubordination, which, more than any other, requires immediate punishment; whereas now it constantly happens that, in consequence of necessary delays, even in very bad cases, the sentence is not read, and the punishment is not carried into execution till the recollection of the crime is nearly effaced from the minds of the prisoner's comrades, and all the good effect that might have been produced by a speedy example is lost.

Nothing can be more injudicious than the too frequent use of Courts Martial, as it must tend greatly to diminish their moral effect, to say nothing of the prospective injury done to the soldier; who, if convicted, is ineligible to gratuity, medal, &c. &c., however good his subsequent conduct may have been. I am of opinion that they should always be kept as a last resource, and held over the head of the soldier, as something to be afraid of. That such is certainly *not* the case at present, at least with regard to Regimental Courts Martial, I think all practical regimental officers will agree, but I am persuaded that much good would result from a power given to commanding officers of placing men in solitary confinement for a certain period, without the necessity of resorting to a Court Martial, and I think that this, combined with an increased power given to Regimental Courts Martial, would very much tend to diminish their frequency, and would make them, as is most desirable, an object of dread to the soldier.

I would, therefore, beg to suggest that the power of Regimental courts, as to imprisonment, should be extended to three calendar months, with hard labour, or to six weeks' solitary confinement, or to alternate periods of each in the like proportion, and that a power of ordering solitary confinement should be given to commanding officers to the extent of seven days, the prisoner forfeiting all pay and beer-money during that time over and above the prison allowance of sixpence per diem, and the commanding officer making monthly returns of the same to the adjutant-general and the Secretary at War.

I am also strongly of opinion that much good would result if, in all cases of absence without leave for above a certain number of hours, a soldier who does not come to his duty were treated as much as possible in the same manner as a labourer who does not come to his work, and that certain portions of his pay were deducted, according to the length of time he may have been absent. I would therefore propose that the whole of a soldier's pay and beer-money, over and above the necessary stoppages for messing, washing, and armouring, should be made liable to deductions for absence without leave; and I think a fair scale might be made out, proportioning the sum to be stopped to the time of the man's absence.

I am aware that many officers will say that there is nothing of which a soldier is so jealous as anything affecting his pay, and that it is a very delicate thing to interfere with; but I confess that is to me one of the best arguments in its favour, as the object of all punishment is to be disagreeable to the offender, and the principle of "no work, no pay," may, I think, be made clear to the meanest capacity.

I would beg to add, in conclusion, that I think it would be most advantageous if some *order of merit* were instituted in the Army, as I am convinced that nothing would tend more to the encouragement of the well-disposed soldier, who cannot but feel, under present circumstances, that our whole military system is one of punishment of crime, without any hope of reward, however slight, for length of service or good behaviour.

JAMES HOPE,
*Lieut. and Capt. Adj. Coldstream Guards.*

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*Extract of a Letter, dated Halifax, 30th October, 1832, addressed to the Military Secretary, by Lieut.-Col. Cathcart, commanding 8th Regiment.*

Extract of a Letter from Lieut.-Col. Cathcart.

With regard to seven or even fourteen years' transportation to Bermuda, (the usual award of general Courts Martial for desertion in this command,) I believe it is well known that such sentences, under existing regulations, carry but little terror, as examples, to deter those men who are prone to desert, and who are generally of a sulky and querulous disposition, of lazy and dissolute habits, and devoid of any proper soldierlike spirit, or even of any sense of the moral degradation of being classed as felons.

Such men have learnt from those who are at Bermuda, that by being transported they exchange the trouble of cleaning themselves and their appointments, their drills and duties, and their disturbed night's rest on guard once in four nights in a cold climate, for easy labour in a summer climate, with better rations than the troops, equally good lodging, and undisturbed night's rest, with the further consideration that whereas they are by their enlistment bound for unlimited service, they are, if transported, sure of a release in seven or fourteen years at the termination of their sentence.

I am myself convinced that many men have deserted, and allowed themselves to be easily retaken, in order to procure themselves to be transported; and in one recent case, where a deserter was warned by an inhabitant of the neighbourhood of a detachment, and told how to avoid it, he immediately took the road leading to it, contrary to advice, and was taken. I brought him to a Garrison Court Martial, and he shewed a manifest disappointment at having to undergo a corporal punishment of 300 lashes instead of transportation to Bermuda, which, if brought to a General Court Martial, he might have expected.

GEORGE CATHCART.
*Lt.-Col. 8th King's Reg.*

## Appendix No. II.

Order of Parliament.

ORDER OF PARLIAMENT *of 8th September*, 1642, *for the preparation of Articles of War by the Earl of Essex, for his Army.*

IT is this day ordered by the Lords and Commons in Parliament assembled, that the Lord Generall, according to his commission, shall take speciall care for the restraining and punishing disorders in the souldiers, according to the custome of warre.

*Die Jovis, Sept.* 8, 1642.

Ordered by the Lords and Commons in Parliament, that these declarations and the order concerning souldiers be forthwith printed and published.

JOHN BROWNE,
*Cler. Parliam.*

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Council of War.

(The Officers who composed the Council of War referred to in the following "Lawes and Ordinances," were

COLONEL SIR JOHN MERICK, President,
*Serjeant Major-General of the Army.*
SIR WILLIAM BELFORE,
*Lieutenant-General of the Horse.*
COLONEL WARDLAW.
COLONEL GRANTHAM.
COLONEL SIR WILLIAM CONSTABLE.
PHILIBERT EMMANUEL DE BOYSE,
*Lieutenant-General of the Artillery.*
DOCTOR ISAAC DORISLA,
*Advocate of the Army.*)

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Lawes and Ordinances of Warre.

* LAWES AND ORDINANCES
OF
WARRE,
ESTABLISHED FOR THE BETTER CONDUCT OF THE ARMY
BY
HIS EXCELLENCY THE EARL OF ESSEX,
LORD GENERALL OF THE FORCES
RAISED BY THE AUTHORITY OF THE PARLIAMENT, FOR THE DEFENCE OF
THE KING
AND
KINGDOM.

ROBERT, Earl of Essex, Viscount Hereford, Lord Ferrers of Chartley, Boucheir and Lovaine Captaine Generall of the Army raised by the authority of Parliament, for the defence of the King and Kingdom.

To all the officers of the Army, colonells, lieutenant-colonells, serjeant-majors, captaines, other officers and souldiers of horse and foot, and others whom these lawes and ordinances shall concerne.

Which lawes and ordinances hereby published to all, the said persons respectively and severally are required and commanded to observe and keepe on the paines and penalties therein expressed.

### LAWES AND ORDINANCES OF WARRE.

*Of Duties to God.*

Blasphemy.

1. First, let no man presume to blaspheme the holy and blessed Trinity, God the Father, God the Sonne, and God the Holy Ghost, nor the known Articles of our Christian faith, upon paine to have his tongue bored with a red-hot iron.

Cursing.

2. Unlawfull oathes and execrations, and scandalous acts in derogation of God's honour, shall be punished with losse of pay, and other punishment at discretion.

Neglecting divine worship.

3. All those who often and wilfully absent themselves from sermons and publike prayer shall be proceeded against at discretion: And all such who shall violate places of publike worship, shall undergo severe censure.

*Of Duties in Generall.*

Intelligence with the Enemy.

1. All such as shall practice and entertaine intelligence with the enemy, by any manner of meanes or slights, or have any communication with them, without direction from my lord generall, shall be punished as traitors and rebells.

* From a Copy in the possession of Mr. Coleman, of the War Office.

2. No man shall relieve the enemy with money, victualls, ammunition, neither harbour or receive any such, upon paine of death. — Relief of the enemy.

3. Whosoever yieldeth up any towne, fort, magazine, victualls, armes, ammunition, or that motioneth any such thing, but upon extremity, and that to the governor, or in councell, shall be executed as a traitor. — Yielding up of forts.

4. Whosoever shall be convicted to do his duty negligently and carelessly, shall be punished at discretion. — Careless service.

5. Whosoever shall presume to violate a safeguard, shall die without mercy. — Violating of a safeguard.

*Of Duties towards Superiours and Commanders.*

1. Whosoever shall use any words tending to the death of the lord generall, shall be punished with death. — Violating of the lord generall.

2. No man shall presume to quarrell with his superiour officer upon paine of casheering and arbitrarie punishment, nor to strike any such, upon paine of death. — Quarrelling with officers.

3. No souldier shall depart from his captaine, nor servant from his master without licence, though he serve still in the Armie, upon paine of death. — Departing from captaines and masters.

4. Every private man and souldier, upon paine of imprisonment, shall keepe silence when the Army is to take lodging, or when it is marching, or imbattallio, so as the officers may be heard and their commandments executed. — Silence in the Army.

5. No man shall resist, draw, lift, or offer to draw or lift his weapon against any officer correcting him orderly for his offence, upon paine of death. — Resisting against correction.

6. No person shall make any mutenous assemblies, or be present or assisting thereunto, or in, or by them, demand their pay, upon paine of death. — Unlawfull assemblies.

7. No man shall resist the provost marshall or any other officer in the execution of his office, or breake prison, upon paine of death. — Resisting of the provost marshall.

8. None shall utter any words of sedition and uproare, or mutenie, upon paine of death. — Seditious words.

9. A heavie punishment shall be inflicted upon them, who after they have heard mutenous speeches, acquaint not their commanders with them. — Concealing of mutenous speeches.

10. Whosoever shall receive an injurie, and shall take his own satisfaction, shall be punished by imprisonment, and as it shall be thought fit by the marshall court; but he that is injured, shall bee bound, if hee doe not forgive the injurie, to seek reparation by complaint to his captaine, or colonell, or other superiour officer, and it shall be given him in ample manner. — Receiving of injuries.

*Of Duties Morall.*

1. Drunkennesse in an officer shall bee punished with losse of place, in a common souldier with such penalties as a court martial shall think fit. — Drunkennesse.

2. Rapes, ravishments, unnaturall abuses shall be punished with death. — Unnaturall abuses.

3. Adulterie, fornication, and other dissolute lasciviousnesse, shall be punished with discretion, according to the qualitie of the offence. — Adultery, &c.

4. Theft and robberie exceeding the value of twelve-pence, shall be punished with death. — Theft.

5. No man shall use reproachfull nor provoking words or acts to any, upon pain of imprisonment, and further punishment, as shall be thought fit to be inflicted upon enemies to discipline and service. — Provocation.

6. No man shall take or spoile the goods of him that dieth or is killed in service, upon pain of restoring double the value, and arbitrarie punishment. — Seizing upon dead men's goods.

7. Murther shall bee expiated with the death of the murderer. — Murther.

*Of a Souldier's Duty touching his Armes.*

1. All souldiers comming to their Collours to watch or to be exercised, shall come fully armed, upon paine of severe correction. — Full Armour.

2. None shall presume to appeare with their armes unfixt or undecently kept, upon paine of arbitrarie correction. — Slovenly Armour.

3. If a trooper shall lose his horse or hackney, or a foot-man any part of his armes by negligence or lewdnesse, by dice or cards, he or they shall remaine in quallitie of pioneers and scavingers till they be furnished with as good as were lost, at their owne charge. — Losing of horses and armes.

4. No souldier shall give to pawne or sell his armour upon paine of imprisonment, and punishment at discretion, and wheresoever any armour shall be found so sold or pawned, they shall be brought againe into the Army. — Pawning or selling of Armour.

5. If a trooper shall spoile his horse willingly of purpose to be rid of the service, he shall lose his horse and shall remain in the campe for a pioneer. — Willfull spoiling of horses.

6. If one borrowes armes of another to passe the muster withall, the borrower shall be rigourously punished, and the lender shall forfeit his goods. — Borrowed armes.

7. None shall presume to spoile, sell, or carrie away any ammunition delivered unto him, upon paine of death. — Imbezzeling of ammunition.

*Of Duty in Marching.*

1. None on their march through the countries shall waste, spoile, or extorte any victualls, monie, or pawne, from any subject upon any pretence of want whatsoever, upon paine of death. — Waste and extortion.

2. No souldier shall presume upon no occasion whatsoever to take out of the plough, or to wrong the husbandmen in their persons or cattell, or goods, upon paine of death. — Taking of horses out of the plough.

3. No souldier, either horse or foote, shall presume, in marching, to straggle from his troope or companie, or to march out of his rank, upon paine of death. — Straggling from the colours.

4. No souldier shall presume, in marching or lodging, to cut downe any fruit trees, or to deface or spoile walks of trees, upon paine of severe punishment. — Spoiling of trees.

*Of Duties in the Campe and Garrison.*

Swerving from the camp.
1. No man shall depart a mile out of the Army or campe without license, upon paine of death.

Going in or out by ways.
2. No man shall enter or go out of the Army but by ordinarie ways, upon paine of death.

Drawing of swords after setting the watch.
3. No man shall presume to draw his sword without order, after the watch is set, upon paine of death.

Giving a false alarm.
4. No man shall give a false alarm, or discharge a piece in the night, or make any noise without lawfull cause, upon paine of death.

Drawing swords in a quarrell.
5. No man shall draw any sword in a private quarrell within the campe, upon paine of death.

Revealing the watch word.
6. He that makes known the watch-word without order, or gives any other word but what is given by the officer, shall die for it.

Offering violence to victuallers.
7. No man shall doe violence to any that bring victuals to the camp, upon paine of death.

Speaking with the enemies' messengers.
8. None shall speak with a drum or trumpet or any other sent by the enemy without order, upon paine of punishment at discretion.

A sentinell asleep or drunke.
9. A sentinell or perdu found asleepe, or drunke, or forsaking their place before they be drawne off, shall die for the offence without mercy.

Failing at the rendezvous.
10. No man shall faile wilfully to come to the rendezvous or garrison appointed him by the lord generall, upon paine of death.

Remaining unrolled in the Army.
11. No man that carrieth arms and pretends to be souldier, shall remaine three dayes in the Army, without being enrolled in some company, upon paine of death.

Departing without leave.
12. No man that is inrolled, shall depart from the Army or garrison, or from his colours without license, upon paine of death.

Out-staying a passe.
13. No private souldier should out-stay his passe without a certificate of the occasion, under the hand of a magistrate, at the next muster, upon paine of losing his pay during all the time of his absence.

Absenting from the watch.
14. He that absents himself when the signe is given to set the watch, shall be punished at discretion, either with bread and water in prison, or with the woodden horse,

Discontented with quarters.
15. Whosoever shall express his discontent with his quarter given him in campe or garrison, shall be punished as a mutineer.

Lying or supping out of the quarters.
16. No officer of what quality soever shall goe out of the quarter to dinner or supper, or lye out all night without making his superiour officer acquainted, upon paine of casheering.

Keeping of the quarters clean.
17. All officers whose charge it is shall see the quarters kept cleane and sweet, upon paine of severe punishment.

Letting of horses feed in sowne grounds.
18. None shall presume to let their horses feed in sowne grounds whatsoever, or to endamage the husbandmen any way, upon [pain of] severest punishment.

*Of Duties in Action.*

Repairing to the colours upon an alarum.
1. No man shall faile immediately to repaire unto his colours (except upon evident necessity) when an alarum is given, upon paine of death.

Flying.
2. No man shall abandon his colours, or fly away in any battell, upon paine of death.

Flinging away armes.
3. If a pikeman throw away his pike, or a muskettier his musket or bandilier, he or they shall be punished with death.

Burning and wasting.
4. No man shall burne any house or barne be it of friend or foe, or wilfully spoile any corne, hay or straw, or stacks in the fields, or any sheep, boat, carriage, or anything that may serve for the provision of the Army, without order, upon paine of death.

Killing an enemy who yeelds.
5. None shall kill an enemy who yeelds and throwes downe his armes.

Saving of men armed with offensive armes.
6. None shall save a man that hath his offensive armes in his hands, upon paine of losing his prisoner.

Flinging away powder.
7. Whosoever in skirmish shall fling away his powder out of his bandiliers, that he may the sooner come off, shall be punisht with death.

Imbezzling of the prey.
8. No souldier shall embezzell any part of the prey, till it be disposed of by the lord generall or others authorized, upon paine of death.

Concealing of prisoners.
9. No officer or souldier shall ransome or conceale a prisoner, but within twelve hours shall make the same knowne to the lord generall, or others authorized, upon paine of death.

Pillaging without licence.
10. No man, upon any good successe, shall fall a pillaging before licence, or a signe given, upon paine of death.

Retreating before handy-blowes.
11. A regiment, or company of horse or foot, that chargeth the enemy, and retreats before they come to handy-strokes, shall answer it before a councell of war; and if the fault be found in the officers, they shall bee banished the camp; if in the souldiers, then everie tenth man shall bee punished at discretion, and the rest serve for pioneers and scavengers, till a worthy exployt take off that blot.

*Of the Duties of Commanders and Officers in particular.*

Commanders must see God duly served.
1. All commanders are straightly charged to see almightie God reverently served, and sermons and prayers duly frequented.

Commanders must acquaint my lord-generall with dangerous humours.
2. All commanders and officers that find any of discontented humours, apt to mutinize; or any swerving from direction given, or from the policie of the Army set downe, shall straightway acquaint the lord generall therewith, or others authorized, as they will answer their neglect.

Defrauding of souldiers' pay.
3. Any officers that shall presume to defraud the souldiers of their pay, or any part of it, shall be casheered.

Stopping of duellers.
4. No corporall, or other officer commanding the watch, shall willingly suffer a souldier to go forth to a duell, or private fight, upon paine of death.

Drunken and quarrellsome officers.
5. What officer soever shall come drunk to his guard, or shall quarrell in the quarter, or commit any

disorder, shall be casheered without mercy; and the next officer under him shall have his place, which he may pretend to be his right, and it shall not be refused to him.

6. A captaine that is carelesse in the training and governing of his company shall be displaced of his charge. — Carelesse captaines.

7. All captaines or officers that shall outstay their passe shall be punished at the lord generall's discretion. — Officers out staying their passe.

8. All officers, of what condition soever, shall have power to part quarrells and frayes, or sudden disorders betwixt the souldiers, though it be in any other regiment or company, and to commit the disordered to prison for the present, until such officers as they belong unto are acquainted with it. And what souldier soever shall resist, disobey, or draw his sword against such an officer (although he be no officer of his regiment or company) shall be punished with death. — All officers bound to part quarrells.

9. A captaine or officer non-resident in the place assigned him for garrison, without licence, shall have one month's pay defaulted for the first offence, and two months for the second: upon the third offence, hee shall be discharged of his command. — Officers non-resident in garrison.

10. After the Army is come to the generall *rendezvous*, no captaine shall casheere any souldier that is enrolled without speciall warrant of the lord generall. — Casheering of souldiers.

11. No captaine of a troop shall present in the musters any but reall troopers, such as are bound by their pay to follow the troops, upon paine of casheering without mercie. And if any victualler, feebooter, enterloper, or souldier whatsoever, of any other troop or company, shall present himself or his horse in the muster to mislead the muster-master, and to betray the service, the same shall be punished with death. — Mustering of false and counterfeit troops

12. No provider, keeper, or officer of victuall or ammunition, shall imbezell or spoyle any part thereof, or give any false account to the lord-generall, upon paine of death. — Commissaries of victuals and ammunition must be true.

*Of the Duties of the Muster-master.*

1. No muster-master shall wittingly let any passe in the musters but such as are really of the troope or company presented, upon paine of death. — Muster-masters conniving at counterfeits.

2. All captaines shall cause their troopes or companies to be full and compleat, and two dayes after the generall mustering they shall send to the lord generall a perfect list or rowle of all their officers of their troopes and companies, and likewise of all the troopers and souldiers that are in actuall service, putting downe distinctly on the head of each man his monthly pay. — Captaines must send a rowle of their men to the lord-generall.

3. The like rowle or list shall the captains send to the lord-generall, and to the treasurer of the Army, upon every pay-day during the service, with a punctuall expression at the bottom of the said rowle what new troopers or souldiers have been entertained since the last pay-day, in lieu of such as are either deceased or casheered, and likewise the day whereon they were so casheered and entertained. — Every pay-day.

4. Which said list or rowle shall be subscribed not only by the captaine and his lievetenant, and coronet or ensigne, but also by the serjeants and corporals respectively, who shall declare upon their oaths that the troopers and souldiers enrolled in the said list are reall and actuall troopers and souldiers of the respective troops and companies. And whosoever shall be convicted of falshood in any of the premises shall be casheered. — Subscribed by all the officers of the troope or companie.

5. No muster-master shall presume to receive or accept of any rowle to make the musters but by the fore-mentioned rowles, upon pain of the losse of his place, and other punishment at discretion. — Muster-masters must use no other rowles.

6. No man shall presume to present himselfe to the muster, or to be inrolled in the muster-rolls by a counterfeit name, or surname, or place of birth, upon pain of death. — Counterfeit names in the rolls.

*Of Victuallers.*

1. No victuallers shall presume to issue or sell unto any of the Army, unsound, unsavoury, or unwholesome victuals, upon pain of imprisonment and further arbitrary punishment. — Victuallers issuing naughtie victuals.

2. No souldier shall be victualler without the consent of the lord-generall, or others authorized, upon pain of punishment at discretion. — No souldier must be a victualler.

3. No victualler shall entertain any souldiers in his house, tent, or hutt, after the warning-piece at night, or before the beating of the ravalee in the morning. — Unreasonable hours kept by victuallers.

4. No victualler shall forestall any victuals, nor sell them before they be appraised by the marshall-generall, upon severe punishment.

*Of Administration of Justice.*

1. All controversies between souldiers and their captaines and all others shall be summarily heard and determined by the counsell of warre, except the waightinesse of the cause require further deliberation. — Summarie proceedings.

2. No provost-marshall shall refuse to keep a prisoner committed to his charge; nor dismisse him being once received, upon paine of being liable to the same punishment which should have been inflicted upon the partie dismissed. — The provost-marshall must look to his prisoners.

3. The goods of such as dye in the army or garrison, or be slaine in the service, if they make any will by word or writing, shall be disposed of according to their will. If they make no will, then shall goe to their wives or next kinne. If no wife or kindred appear within a year after, shall be disposed of by the appointment of the lord generall, according to the lawes civill and military. — Goods of the defunct.

4. No magistrate of towne or country shall, without licence, imprison any souldier unlesse for capitall offences. — Civil magistrates imprisoning souldiers.

5. In matter of debts or trespasse or other inferior cases, the magistrate shall acquaint his captaine or other chiefe officer therewith, who is to end the matter with the consent of the complaynant or to leave the party grieved to take his remedy by due course of law; and if the officer faile of his duty therein, the lord generall, upon complaint of the party grieved, will not onely see him righted but the officer punished for his neglect in this behalfe. — For debts and other small offences.

6. No man shall presume to use any braveing or menacing words, signes, or gestures, while the court of justice is sitting, upon paine of death. — Braving the court of justice.

Receiving of runawayes.

7. No inhabitant of citie, towne, or country shall presume to receive any souldier into his service, or conceale or use means to convey such runawayes, but shall apprehend all such and deliver them over to the provost marshall.

Detecting of offenders.

8. All captaines, officers, and souldiers shall doe their endeavours to detect, apprehend, and bring to punishment all offenders, and shall assist the officers of the Army for that purpose, as they will answer their slacknesse in the marshall's court.

Offences whatsoever to be punished by the lawes of warre.

9. All other faults, disorders, and offences not mentioned in these articles shall be punished according to the generall customes and lawes of warre.

And to the end that these lawes and ordinances be made more publike and known, as well to the officers as to the common souldiers, every colonell and captaine is to provide some of these bookes; and within a short time after that the Army shall come to the general rendevous; these lawes in every severall regiment, in the presence of all the officers, are plainly and distinctly to be read by the marshalls of the severall regiments, assisted by the marshall generall, in the horse quarters by sound of trumpet, and amongst the foot by beat of drumme; and weekly afterwards, upon the pay-day, every captaine is to cause the same to be read to his own company in presence of his officers. And also upon every main guard the captaine is to doe the like, that none may be ignorant of the lawes and duties required.

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By vertue of the authoritie given me by the Ordinance of the Lords and Commons in Parliament, I command these Ordinances to be observ'd and obey'd in the Armie, and by these presents give order that the same shall be forthwith printed and published.

Given under my hand this 8. of September, 1642.

ESSEX.

# Appendix No. III.

Papers laid before the Commission by the French Officers.

No. 1.—*LOI sur le Recrutement de l'Armée.*

Papers laid before the Commission by the French Officers.

*A Paris, au Palais des Tuileries, le* 21 *Mars*, 1832.

LOUIS-PHILIPPE, Roi des Français,
A tous présens et à venir, salut.
Les Chambres ont adopté, nous avons ordonné et ordonnons ce qui suit :

## TITRE I.—*Dispositions Générales.*

Art. I. L'Armée se recrute par des appels et des engagemens volontaires, conformément aux règles prescrites ci-après, titres II et III.

II. Nul ne sera admis à servir dans les troupes françaises, s'il n'est Français.

Tout individu né en France de parens étrangers sera soumis aux obligations imposées par la présente loi, immédiatement après qu'il aura été admis à jouir du bénéfice de l'article 9 du Code civil.

Sont exclus du service militaire, et ne pourront, à aucun titre, servir dans l'armée,

1. Les individus qui ont été condamnés à une peine afflictive ou infamante ;

2. Ceux condamnés à une peine correctionnelle de deux ans d'emprisonnement et au-dessus, et qui en outre ont été placés par le jugement de condamnation sous la surveillance de la haute-police, et interdits des droits civiques, civils et de famille.

III. L'Armée se compose dans les proportions qui résultent des lois annuelles de finances et du contingent ;

1. De l'effectif entretenu sous les drapeaux ;

2. Des hommes qui sont laissés ou envoyés en congé dans leurs foyers.

## TITRE II.—*Des Appels.*

IV. Le tableau de la répartition, entre les départemens, du nombre d'hommes à fournir, en vertu de la loi annuelle du contingent, pour les troupes de terre et de mer, sera annexé à ladite loi.

Le mode de cette répartition sera fixé par la même loi.

V. Le contingent assigné à chaque canton sera fourni par un tirage au sort entre les jeunes Français qui auront leur domicile légal dans le canton, et qui auront atteint l'âge de vingt ans révolus dans le courant de l'année précédente.

VI. Seront considérés comme légalement domiciliés dans le canton :

1. Les jeunes gens, même émancipés, engagés, établis au dehors, expatriés, absens ou détenus, si d'ailleurs leurs père, mère ou tuteur ont leur domicile dans une des communes du canton, ou s'ils sont fils d'un père expatrié qui avait son dernier domicile dans une desdites communes ;

2. Les jeunes gens mariés dont le père, ou la mère, à défaut de père, sont domiciliés dans le canton, à moins qu'ils ne justifient de leur domicile réel dans un autre canton ;

3. Les jeunes gens mariés et domiciliés dans le canton ; alors même que leur père ou leur mère n'y seraient pas domiciliés ;

4. Les jeunes gens nés et résidans dans le canton qui n'auraient ni leur père, ni leur mère, ni tuteur ;

5. Les jeunes gens résidans dans le canton qui ne seraient dans aucun des cas précédens, et qui ne justifieraient pas de leur inscription dans un autre canton.

VII. Seront, d'après la notoriété publique, considérés comme ayant l'âge requis pour le tirage, les jeunes gens qui ne pourront produire, ou n'auront pas produit avant le tirage, un extrait des registres de l'état civil, constatant un âge différent, ou qui, à défaut de registres, ne pourront prouver ou n'auront pas prouvé leur âge, conformément à l'article 46 du Code civil.

Ils suivront la chance du numéro qu'ils auront obtenu.

VIII. Les tableaux de recensement des jeunes gens du canton soumis au tirage d'après les règles précédentes, seront dressés par les maires ;

1. Sur la déclaration à laquelle seront tenus les jeunes gens, leurs parens ou tuteurs ;

2. D'office, d'après les registres de l'état civil et tous autres documens ou renseignemens.

Ils seront ensuite publiés et affichés dans chaque commune et dans les formes prescrites par les articles 63 et 64 du Code civil.

Un avis publié dans les mêmes formes indiquera les lieu, jour et heure où il sera procédé à l'examen desdits tableaux et à la désignation, par le sort, du contingent cantonal.

IX. Si, dans l'un des tableaux de recensement des années précédentes, des jeunes gens ont été omis, ils seront inscrits sur le tableau de l'année qui suivra celle où l'omission aura été découverte, à moins qu'ils n'aient trente ans accomplis.

X. Dans les cantons composés de plusieurs communes, l'examen des tableaux de recensement et le tirage au sort auront lieu au chef-lieu de canton, en séance publique, devant le sous-préfet, assisté des maires du canton. Dans les communes qui forment un ou plusieurs cantons, le sous-préfet sera assisté du maire et de ses adjoints.

Le tableau sera lu à haute voix. Les jeunes gens, leur parens ou ayant-cause, seront entendus dans leurs observations. Le sous-préfet statuera après avoir pris l'avis des maires. Le tableau rectifié, s'il y a lieu, et définitivement arrêté, sera revêtu de leurs signatures.

Dans les cantons composés de plusieurs communes, l'ordre dans lequel elles seront appelées pour le tirage sera, chaque fois, indiqué par le sort.

Papers laid before the Commission by the French Officers.

XI. Le sous-préfet inscrira en tête de la liste du tirage les noms des jeunes gens qui se trouveront dans les cas prévus par le second paragraphe de l'article 38 ci-après.

Les premiers numéros leur seront attribués de droit: ces numéros seront en conséquence extraits de l'urne avant l'opération du tirage.

XII. Avant commencer l'opération du tirage, le sous-préfet comptera publiquement les numéros déposés dans l'urne; et, après s'être assuré que ce nombre est égal à celui des jeunes gens appelés à y concourir, il en fera la déclaration à haute voix.

Aussitôt après, chacun des jeunes gens appelés dans l'ordre du tableau prendra dans l'urne un numéro qui sera immédiatement proclamé et inscrit. Les parens des absens, ou, à leur défaut, le maire de leur commune, tireront à leur place.

L'operation du tirage achevée sera définitive: elle ne pourra, sous aucun prétexte, être recommencée, et chacun gardera le numéro qu'il aura tiré.

La liste, par ordre des numéros, sera dressée au fur et à mesure du tirage. Il y sera fait mention des cas et des motifs d'exemption ou de déduction que les jeunes gens ou leurs parens, ou les maires des communes, se proposeront de faire valoir devant le conseil de révision dont il sera parlé ci-après. Le sous-préfet y ajoutera ses observations.

La liste du tirage sera ensuite lue, arrêtée et signée de la même manière que le tableau de recensement, et annexée avec ledit tableau au procès-verbal des opérations. Elle sera publiée et affichée dans chaque commune du canton.

XIII. Seront exemptés et remplacés, dans l'ordre des numéros subséquens, les jeunes gens que leur numéro désignera pour faire partie du contingent, et qui se trouveront dans un des cas suivans, savoir:

1. Ceux qui n'auront pas la taille d'un mètre cinquante-six centimètres;

2. Ceux que leurs infirmités rendront impropres au service;

3. L'ainé d'orphelins de père et de mère;

4. Le fils unique ou l'ainé des fils, ou, à defaut de fils ou de gendre, le petit-fils unique ou l'ainé des petits-fils d'une femme actuellement veuve, ou d'un père aveugle ou entré dans sa soixante-et-dixième année;

Dans les cas prévus par les paragraphes ci-dessus notes 3 et 4, le frère puisné jouira de l'exemption, si le frere ainé est aveugle ou atteint de toute autre infirmité incurable qui le rende impotent;

5. Le plus âgé de deux frères appelé à faire partie du même tirage, et désignés tous deux par le sort, si le plus jeune est reconnu propre au service;

6. Celui dont un frère sera sous les drapeaux à tout autre titre que pour remplacement;

7. Celui dont un frère sera mort en activité de service, ou aura été reformé, ou admis à la retraite pour blessures reçues dans un service commandé, ou infirmités contractées dans les armées de terre ou de mer.

L'exemption accordée conformément aux Nos. 6 et 7 ci-dessus sera appliquée dans la même famille autant de fois que les mêmes droits s'y reproduiront.

Seront comptées néanmoins, en déduction desdites exemptions les exemptions déjà accordées aux frères vivans, en vertu du présent article, à tout autre titre que pour infirmité.

Le jeune homme omis qui ne se sera pas présenté par lui ou ses ayant-cause pour concourir au tirage de la classe à laquelle il appartenait, ne pourra réclamer le bénéfice des exemptions indiquées par les Nos. 3, 4, 5, 6 et 7 du présent article, si les causes de ces exemptions ne sont survenues que postérieurement à la clôture des listes du contingent de sa classe.

XIV. Seront considérés comme ayant satisfait à l'appel et comptés numériquement en déduction du contingent à former, les jeunes gens désignés par leur numéro pour faire partie dudit contingent qui se trouveront dans l'un des cas suivans:

1. Ceux qui seraient déjà liés au service, dans les armées de terre ou de mer, en vertu d'un engagement volontaire, d'un brevet ou d'une commission, sous la condition qu'ils seront, dans tous les cas, tenus d'accomplir le temps de service prescrit par la présente loi;

2. Les jeunes marins portés sur les registres-matricules de l'inscription maritime, conformément aux règles prescrites par les articles 1, 2, 3, 4 et 5 de la loi du 25 Octobre 1795 (3 Brumaire an IV), et les charpentiers de navire, perceurs, voiliers et calfats immatriculés, conformément à l'article 44 de ladite loi;

3. Les élèves de l'école polytechnique, à condition qu'ils passeront, soit dans ladite école, soit dans les services publics, un temps égal à celui fixé par la présente loi pour le service militaire;

4. Ceux qui, étant membres de l'instruction publique, auraient contracté, avant l'époque déterminée pour le tirage au sort, et devant le conseil de l'université, l'engagement de se vouer à la carrière de l'enseignement.

La même disposition est applicable aux élèves de l'école normale centrale de Paris, à ceux de l'école dite *de jeunes de langue*, et aux professeurs des institutions royales des sourds-muets;

5. Les élèves des grands séminaires, régulièrement autorisés à continuer leurs études ecclésiastiques; les jeunes gens autorisés à continuer leurs études pour se vouer au ministère dans les autres cultes salariés par l'état, sous la condition, pour les premiers, que, s'ils ne sont pas entrés dans les ordres majeurs à vingt-cinq ans accomplis, et pour les seconds, que s'ils n'ont pas reçu la consécration dans l'année qui suivra celle où ils auraient pu la recevoir, ils seront tenus d'accomplir le temps de service prescrit par la présente loi;

6. Les jeunes gens qui auront remporté les grands prix de l'institut ou de l'université.

Les jeunes gens désignés par leur numéro pour faire partie du contingent cantonal, et qui en auront été déduits conditionnellement en exécution des Nos. 1, 3, 4 et 5 du présent article, lorsqu'ils cesseront de suivre la carrière en vue de laquelle ils auront été comptés en déduction du contingent, seront tenus d'en faire la déclaration au maire de leur commune dans l'année où ils auront cessé leurs services, fonctions ou études, et de retirer expédition de leur déclaration.

Faute par eux de faire cette déclaration, et de la soumettre au visa du préfet du département dans le délai d'un mois, ils seront passibles des peines prononcées par le premier paragraphe de l'article 38 de la présente loi.

Ils seront rétablis dans le contingent de leurs classes, sans déduction du temps écoulé depuis la cessation desdits services, fonctions ou études, jusqu'au moment de la déclaration.

XV. Les opérations du recrutement seront revues, les réclamations auxquelles ces opérations auraient pu donner lieu seront entendues, et les causes d'exemption et de déduction seront jugées, en séance publique, par un conseil de révision composé

Du préfet, président, ou, à son défaut, du conseiller de préfecture qu'il aura délégué;

D'un conseiller de préfecture,
D'un membre du conseil général du département,
D'un membre du conseil de l'arrondissement, tous trois à la désignation du préfet ;
D'un officier général ou supérieur désigné par le Roi.

Un membre de l'intendance militaire assistera aux opérations du conseil de révision ; il sera entendu toutes les fois qu'il le demandera, et pourra faire consigner ses observations aux registres des délibérations.

Le conseil de révision se transportera dans les divers cantons ; toutefois, suivant les localités, le préfet pourra réunir dans le même lieu plusieurs cantons pour les opérations du conseil.

Le sous-préfet, ou le fonctionnaire par lequel il aurait été suppléé pour les opérations du tirage, assistera aux séances que le conseil de révision tiendra dans l'étendu de son arrondissement.

Il y aura voix consultative.

XVI. Les jeunes gens qui, d'après leurs numéros, pourront être appelés a faire partie du contingent, seront convoqués, examinés et entendus par le conseil de révision.

S'ils ne se rendent point à la convocation, ou s'ils ne se font pas représenter, ou s'ils n'obtiennent pas un délai, il sera procédé comme s'ils étaient présens.

Dans les cas d'exemption pour infirmités, les gens de l'art seront consultés.

Les autres cas d'exemption ou de déduction seront jugés sur la production de documens authentiques, ou, à défaut de documens, sur des certificats signés de trois pères de famille domiciliés dans le même canton, dont les fils sont soumis à l'appel ou ont été appelés. Ces certificats devront en outre être signés et approuvés par le maire de la commune de réclamant.

XVII. Le conseil de révision statuera également sur les substitutions de numéros et les demandes de remplacement.

XVIII. Les substitutions de numéros sur la liste cantonale pourront avoir lieu, si celui qui se présente à la place de l'appelé est reconnu propre au service par le conseil de révision.

XIX. Les jeunes gens compris définitivement dans le contingent cantonal pourront se faire remplacer.

Le remplacement ne pourra avoir lieu qu'aux conditions suivantes :

Le remplaçant devra,

1. Etre libre de tout service et obligations imposées soit par la présente loi, soit par celle du 25 Octobre 1795 sur l'inscription maritime.

2. Etre âgé de vingt à trente ans au plus, ou de vingt à trente-cinq, s'il a été militaire, ou de dix-huit à trente, s'il est frère du remplacé ;

3. N'être ni marié, ni veuf avec enfans ;

4. Avoir au moins la taille d'un mêtre cinquante-six centimêtres, s'il n'a pas déjà servi dans l'Armée, et réunir les autres qualités requises pour faire un bon service ;

5. N'avoir pas été réformé du service militaire ;

6. Suivant sa position, être porteur des certificats spécifiés dans les articles 20 et 21 ci-après,

XX. Le remplaçant produira un certificat délivré par le maire de la commune de son dernier domicile. Si le remplaçant ne compte pas au moins une année de séjour dans cette commune, il sera tenu d'en produire également un autre du maire de la commune ou des maires des communes où il aura été domicilié pendant le cours de cette année.

Les certificats devront contenir le signalement du remplaçant, et attester,

1. La durée du temps pendant lequel il a été domicilié dans la commune ;

2. Qu'il jouit de ses droits civils ;

3. Qu'il n'a jamais été condamné à une peine correctionnelle pour vol, escroquerie, abus de confiance, ou attentat aux mœurs.

Dans le cas où le maire de la commune ne connaitrait pas l'individu qui ferait la demande de ce certificat, il devra en constater légalement l'identité, et recueillir les preuves et témoignages qu'il jugera convenables pour arriver à la connaissance de la vérité.

XXI. Si le remplaçant a été militaire, outre le certificat du maire, il devra produire un certificat de bonne conduite du corps dans lequel il aura servi.

XXII. Le remplaçant sera admis par le conseil de révision du département dans lequel le remplacé a concouru au tirage.

XXIII. Le remplacé sera, pour le cas de désertion, responsable de son remplaçant pendant un an, à compter du jour de l'acte passé devant le préfet. Il sera libéré si le remplaçant meurt sous les drapeaux, ou si, en cas de désertion, il est arrêté pendant l'année.

XXIV. Les actes de substitution et de remplacement seront reçus par le préfet, dans les formes prescrites pour les actes administratifs.

Les stipulations particulières qui pourraient avoir lieu entre les contractans, à l'occasion des substitutions et remplacemens, seront soumises aux mêmes règles et formalités que tout autre contrat civil.

XXV. Hors les cas prévus ci-après, articles 26 et 27, les décisions du conseil de révision seront définitives.

XXVI. Lorsque les jeunes gens désignés par leur numéro pour faire partie du contingent cantonal auront fait des réclamations dont l'admission ou le rejet dépendra de la décision à intervenir sur des questions judiciaires relatives à leur état ou à leurs droits civils, des jeunes gens en pareil nombre, suivant l'ordre du tirage, seront désignés pour suppléer ces réclamans, s'il y a lieu. Ils ne seront appelés que dans les cas où, par l'effet des décisions judiciaires, les réclamans seraient définitivement libérés.

Ces questions seront jugées contradictoirement avec le préfet, à la requête de la partie la plus diligente.

Les tribunaux statueront sans délai, le ministère public entendu, sauf appel.

XXVII. La disposition de l'article précédent, relative aux jeunes gens appelés conditionnellement sera également appliquée, lorsqu'aux termes de l'article 41 ci-après des jeunes gens auront été déférés aux tribunaux comme prévenus de s'être rendus impropres au service, lorsque le conseil de révision aura accordé un délai pour production de pièces justificatives, ou pour cas d'absence, lequel délai ne pourra excéder vingt jours.

XXVIII. Après que le conseil de révision aura statué sur les exemptions, déductions, substitutions, remplacemens, ainsi que sur toutes les réclamations auxquelles les opérations du recrutement auront pu donner lieu, la liste du contingent de chaque canton sera définitivement arrêtée et signée par le conseil de révision, et les noms inscrits seront proclamés.

Les jeunes gens qui, aux termes des articles 26 et 27, sont appelés les uns à défaut des autres, ne seront inscrits sur la liste du contingent que conditionnellement et sous la réserve de leurs droits.

Le conseil déclarera ensuite que les jeunes gens qui ne sont pas inscrits sur cette liste, sont défini-

Papers laid before the Commission by the French Officers.

tivement libérés. Cette déclaration, avec l'indication du dernier numéro compris dans le contingent cantonal, sera publiée et affichée dans chaque commune du canton.

Dès que les délais accordés en vertu de l'article 27 seront expirées, ou que les tribunaux auront statué en exécution des articles 26 et 41, le conseil prononcera de la même manière la libération des réclamans ou des jeunes gens conditionnellement désignés pour les suppléer.

Le conseil de révision ne pourra statuer ultérieurement sur les jeunes gens portés sur les listes du contingent que pour les demandes de substitution et de remplacement.

La réunion de toutes les listes du contingent de chaque canton d'un même département formera la liste du contingent départemental.

XXIX. Les jeunes gens définitivement appelés, ou ceux qui ont été admis à les remplacer, seront immédiatement répartis entre les corps de l'Armée, et inscrits sur les registres-matricules des corps pour lesquels ils seront désignés.

Néanmoins ils seront, d'après l'ordre de leurs numéros et les proportions déterminées par les lois annuelles du contingent, divisés en deux classes, composées, la première, de ceux qui devront être mis en activité, et la seconde, de ceux qui seront laissés dans leurs foyers.

Les jeunes soldats compris dans la seconde classe ne pourront être mis en activité qu'en vertu d'une ordonnance royale.

XXX. La durée du service des jeunes soldats appelés sera de sept ans, qui compteront du 1 Janvier de l'année où ils auront été inscrits sur les registres-matricules des corps de l'Armée.

Le 31 Décembre de chaque année, en temps de paix, les soldats qui auront achevé leur temps de service recevront leur congé définitif.

Ils le recevront en temps de guerre immédiatement après l'arrivée au corps du contingent destiné à les remplacer.

Lorsqu'il y aura lieu d'accorder des congés illimités, ils seront délivreés dans chaque corps aux militaires les plus anciens de service effectif sous les drapeaux et de préférence à ceux qui les demanderont.

Les hommes laissés ou envoyés, en congé pourront être soumis à des revues et à des exercices périodiques qui seront fixés par le ministre de la guerre.

## TITRE III.—*Des Engagemens et Rengagemens.*

### Section 1.—*Des Engagemens.*

XXXI. Il n'y aura dans les troupes Françaises, ni prime en argent, ni prix quelconque d'engagement.

XXXII. Tout Français sera reçu à contracter un engagement volontaire aux conditions suivantes: L'engagé volontaire devra,

1. S'il entre dans l'Armée de mer, avoir seize ans accomplis, sans être tenu d'avoir la taille prescrite par la loi, mas sous la condition qu'à l'âge de dix-huit ans il ne pourra être reçu s'il n'a pas cette taille;
2. S'il entre dans l'Armée de terre, avoir dix-huit ans accomplis et au moins la taille d'un mètre cinquante-six centimètres;
3. Jouir de ses droits civils;
4. N'être ni marié, ni veuf avec enfans;
5. Etre porteur d'un certificat de bonnes vie et mœurs délivré dans les formes prescrites par l'article 20, et s'il a moins de vingt ans, justifier du consentement de ses père, mère ou tuteur.

Ce dernier devra être autorisé, par une délibération du conseil de famille.

Les conditions relatives, soit à l'aptitude militaire, soit à l'admissibilité dans les différens corps de l'Armée, seront déterminées par des ordonnances du roi, insérées au *Bulletin des Lois*.

XXXIII. La durée de l'engagement volontaire sera de sept ans.

En cas de guerre, tout Français qui n'appartient à aucun contingent, et qui a satisfait à la loi du recrutement, pourra être admis à contracter un engagement volontaire de deux ans. Ces engagemens ne donneront pas lieu aux exemptions prononcées par les Nos. 6 et 7 de l'article 13 de la présente loi.

Dans aucun cas, les engagés volontaires ne pourront être envoyés en congé sans leur consentement.

XXXIV. Les engagemens volontaires seront contractés dans les formes prescrites par les articles 34, 35, 36, 37, 38, 39, 40, 42, et 44 du Code civil, devant les maires des chefs-lieux de canton.

Les conditions relatives à la durée des engagemens seront insérées dans l'acte même.

Les autres conditions seront lues aux contractans avant la signature, et mention sera faite à la fin de l'acte; le tout sous peine de nullité.

XXXV. L'état sommaire des engagemens volontaires de l'année précédente sera communiqué aux chambres, lors de la présentation de la loi du contingent annuel.

### Section 2.—*Des Rengagemens.*

XXXVI. Les rengagemens pourront être reçus même pour deux ans, et ne pourront excéder la durée de cinq ans.

Les rengagemens ne pourront être reçus que pendant le cours de la dernière année de service due par le contractant. A l'expiration de cette année, ils donneront droit à une haute-paie.

Les autres conditions seront déterminées par les ordonnances du roi insérées au *Bulletin des Lois*.

XXXVII. Les rengagemens seront contractés devant les intendans ou sous-intendans militaires, dans les formes prescrites par l'article 34, sur la preuve que le contractant peut rester ou être admis dans le corps pour lequel il se présente.

## TITRE IV.—*Dispositions Pénales.*

XXXVIII. Toutes fraudes ou manœuvres par suite desquelles un jeune homme aura été omis sur les tableaux de recensement seront déférées aux tribunaux ordinaires, et punies d'un emprisonnement d'un mois à un an.

Le jeune homme omis, s'il a été condamné comme auteur ou complice desdites fraudes ou manœuvres, sera à l'expiration de sa peine, inscrit sur la liste du tirage, ainsi que le prescrit l'article 11.

XXXIX. Tout jeune soldat qui aura reçu un ordre de route et ne sera point arrivé à sa destination au jour fixé par cet ordre, sera, après un mois de délai et hors le cas de force majeure, puni, comme insoumis, d'un emprisonnement qui ne pourra être moindre d'un mois ni excéder une année.

L'insoumis sera jugé par le conseil de guerre de la division militaire dans laquelle il aura été arrêté.

Le temps pendant lequel le jeune soldat aura été insoumis, ne comptera pas en déduction des sept années de service exigées.

XL. Quiconque sera reconnu coupable d'avoir recélé ou d'avoir pris à son service un insoumis, sera

puni d'un emprisonnement qui ne pourra excéder six mois. Selon les circonstances, la peine pourra être réduite à une amende de vingt à deux cents francs.

Quiconque sera convaincu d'avoir favorisé l'évasion d'un insoumis sera puni d'un emprisonnement d'un mois à un an.

La même peine sera prononcée contre ceux qui, par des manœuvres coupables, auraient empêché ou retardé le départ des jeunes soldats.

Si le délinquant est fonctionnaire public, employé du gouvernement, ou ministre d'un culte salarié par l'état, la peine pourra être portée jusqu'à deux années d'emprisonnement, et il sera en outre condamné à une amende qui ne pourra excéder deux mille francs.

XLI. Les jeunes gens appelés à faire partie du contingent de leur classe qui seront prévenus de s'être rendus impropres au service militaire, soit temporairement, soit d'une manière permanente, dans le but de se soustraire aux obligations imposées par la présente loi, seront déférés aux tribunaux par les conseils de révision: et s'ils sont reconnus coupables, ils seront punis d'un emprisonnement d'un mois à un an.

Seront également déférés aux tribunaux, et punis de la même peine, les jeunes soldats qui, dans l'intervalle de la clôture du contingent de leur canton à leur mise en activité, se seront rendus coupables du même délit.

A l'expiration de leur peine, les uns et les autres seront à la disposition du ministre de la guerre pour le temps que doit à l'état la classe dont ils font partie.

La peine portée au présent article sera prononcée contre les complices. Si les complices sont des médecins, chirurgiens, officiers de santé, ou pharmaciens, la durée de l'emprisonnement sera de deux mois à deux ans, indépendamment d'une amende de deux cents francs à mille francs qui pourra être prononcée, et sans préjudice de peines plus graves, dans les cas prévus par le Code pénal.

XLII. Ne comptera pas pour les années de service exigées par la présente loi le temps passé dans l'état de détention en vertu d'un jugement.

XLIII. Toute substitution, tout remplacement effectué soit en contravention des dispositions de la présente loi, soit au moyen de pièces fausses ou de manœuvres frauduleuses, sera déféré aux tribunaux, et sur le jugement qui prononcerait la nullité de l'acte de substitution ou de remplacement, l'appelé sera tenu de rejoindre son corps, ou de fournir un remplaçant dans le délai d'un mois, à dater de la notification de ce jugement.

Quiconque aura sciemment concouru à la substitution ou au remplacement frauduleux, comme auteur ou complice, sera puni d'un emprisonnement de trois mois à deux ans, sans préjudice de peines plus graves en cas de faux.

XLIV. Tout fonctionnaire ou officier public, civil ou militaire, qui, sous quelque prétexte que ce soit, aura autorisé ou admis des exemptions, déductions ou exclusions autres que celles déterminées par la présente loi, ou qui aura donné arbitrairement une extension quelconque, soit à la durée, soit aux règles ou conditions des appels, des engagemens ou des rengagemens, sera coupable d'abus d'autorité, et puni des peines portées dans l'article 185 du Code pénal, sans préjudice des peines plus graves prononcées par ce code dans les autres cas qu'il a prévus.

XLV. Les médecins, chirurgiens ou officiers de santé qui, appelés au conseil de révision à l'effet de donner leur avis conformément à l'article 16, auront reçu des dons ou agréé des promesses pour être favorables aux jeunes gens qu'ils doivent examiner, seront punis d'un emprisonnement de deux mois à deux ans.

Cette peine leur sera appliquée, soit qu'au moment des dons ou promesses ils aient déjà été désignés pour assister au conseil, soit que les dons ou promesses aient été agréés dans la prévoyance des fonctions qu'ils auraient à y remplir.

Il leur est défendu, sous la même peine, de rien recevoir, même pour une réforme justement prononcée.

XLVI. Dans tous les cas non prévus par les dispositions précédentes, les tribunaux civils et militaires, dans les limites de leur compétence, appliqueront les lois pénales ordinaires aux délits auxquels pourra donner lieu l'exécution du mode de recrutement déterminé par la présente loi.

Pour les délits militaires, les juges pourront user de la faculté énoncée en l'art. 595 du Code d'instruction criminelle.

Dans tous les cas où la peine d'emprisonnement est prononcée par la présente loi, les juges pourront, suivant les circonstances, user de la faculté exprimée dans l'art. 463 du Code pénal.

*Dispositions Particulières.*

XLVII. Les jeunes gens appelés au service en exécution de la présente loi recevront, dans le corps auquel ils seront attachés, et autant que le service militaire le permettra, l'instruction prescrite pour les écoles primaires.

XLVIII. Nul ne sera admis, avant l'âge de trente ans accomplis, à un emploi civil et militaire, s'il ne justifie qu'il a satisfait aux obligations imposées par la présente loi.

*Dispositions Transitoires.*

XLIX. Le Français dont un frère est mort ou aura reçu des blessures qui le rendent incapable de servir dans l'Armée, en combattant pour la liberté dans les journées de Juillet 1830, jouira de l'exemption accordée par l'article 13, No. 7, de la présente loi, à celui dont le frère est mort en activité de service, ou a été admis à la retraite pour blessures reçues dans un service commandé.

L. Toutes les dispositions des lois et décrets antérieurs à la présente loi relatives au recrutement de l'Armée sont et demeurent abrogées.

La présente loi, discutée, délibérée et adoptée par la chambre des pairs et par celle des députés, et sanctionnée par nous cejourd'hui, sera exécutée comme loi de l'état.

Donnons en mandement à nos cours et tribunaux, préfets, corps administratifs, et tous autres, que les présentes ils gardent et maintiennent, fassent garder, observer et maintenir; et, pour les rendre plus notoires à tous, ils les fassent publier et enregistrer partout où besoin sera; et, afin que ce soit chose ferme et stable à toujours, nous y avons fait mettre notre sceau.

Fait à Paris, au palais des Tuileries, le 21 jour du mois de Mars, l'an 1832.

Signé LOUIS-PHILIPPE.

Vu et scellé du grand sceau:
*Le Garde des Sceaux de France, Ministre Secrétaire d'Etat au Département de la Justice,* Signé BARTHE.

Par le Roi:
*Le Ministre Secrétaire d'Etat au Département de la Guerre,*
Signé M^al. Duc de DALMATIE.

Papers laid before the Commission by the French Officers.

No. 2.—*LOI sur l'Avancement dans l'Armée.*

*A Paris, au Palais des Tuileries, le* 14 *Avril* 1832.

LOUIS-PHILIPPE, roi des Français,

A tous présens et à venir, salut.

Les chambres ont adopté nous avons ordonné et ordonnons ce qui suit :

ART. I. Nul ne pourra être caporal ou brigadier, s'il n'a servi activement au moins six mois, comme soldat, dans un des corps de l'Armée.

II. Nul ne pourra être sous-officier, s'il n'a servi activement au moins six mois comme caporal ou brigadier.

III. Nul ne pourra être sous-lieutenant,

1. S'il n'est âgé au moins de dix-huit ans ;

2. S'il n'a servi au moins deux ans comme sous-officier dans un des corps de l'Armée, ou s'il n'a été pendant deux ans élève des écoles militaires ou polytechnique, et s'il n'a satisfait aux examens de sortie desdites écoles.

IV. Tous les militaires de l'Armée seront reçus jusqu'à vingt-cinq ans à subir les examens pour l'école polytechnique.

V. Nul ne pourra être lieutenant, s'il n'a servi au moins deux ans dans le grade de sous-lieutenant.

VI. Nul ne pourra être capitaine, s'il n'a servi au moins deux ans dans le grade de lieutenant.

VII. Nul ne pourra être chef de bataillon, chef d'escadron ou major, s'il n'a servi au moins quatre ans dans le grade de capitaine.

VIII. Nul ne pourra être lieutenant-colonel, s'il n'a servi au moins trois ans dans le grade de chef de bataillon, de chef d'escadron, ou de major.

IX. Nul ne pourra être colonel, s'il n'a servi au moins deux ans dans le grade de lieutenant-colonel.

X. Nul ne pourra être promu à un des grades supérieurs à celui de colonel, s'il n'a servi au moins trois ans dans le grade immédiatement inférieur.

XI. Un tiers des grades de sous-lieutenant vacans dans les corps de troupes de l'Armée sera donné aux sous-officiers des corps où aura lieu la vacance.

XII. Les deux tiers des grades de lieutenant et de capitaine seront donnés à l'ancienneté de grade, savoir :

Dans l'infanterie et la cavalerie, parmi les officiers de chaque régiment ;

Dans le corps d'état-major, sur la totalité des officiers du corps ;

Et dans l'artillerie et le génie, parmi les officiers susceptibles de concourir entre eux.

XIII. La moitié des grades de chef de bataillon et de chef d'escadron sera donné à l'ancienneté de grade, savoir :

Dans l'infanterie, la cavalerie et le corps d'état-major, aux capitaines sur la totalité de chaque arme ;

Dans l'artillerie et le génie, aux capitaines susceptibles de concourir entre eux.

Les emplois de major seront au choix du roi.

XIV. Tous les grades supérieurs à celui de chef de bataillon, chef d'escadron ou major, seront au choix du roi.

XV. L'ancienneté pour l'avancement sera déterminée par la date du brevet du grade, ou, à date semblable, par celle du brevet du grade inférieur.

XVI. Lorsqu'un officier cessera de faire partie des cadres de l'Armée dans tous les autre cas que ceux de mission pour service, de licenciement ou de suppression d'emploi, le temps qu'il aura passé hors des cadres sera déduit de l'ancienneté.

Sera aussi déduit de l'ancienneté le temps passé dans un service étranger au département de la guerre. Est excepté de cette disposition le temps passé pour le service détaché dans la garde nationale, dans la marine, ou dans une mission diplomatique.

Sera déduit dans tous les cas le temps passé au service d'une puissance étrangère.

Les officiers qui cesseront de faire partie des cadres de l'Armée par suite de suppression d'emploi ou de licenciement, seront répartis, pour l'avancement, entre les différens corps de l'arme à laquelle ils appartiennent, et qui seront conservés ou créés.

XVII. Les officiers prisonniers de guerre, conserveront leurs droits d'ancienneté pour l'avancement ; cependant ils ne pourront obtenir que le grade immédiatement supérieur à celui qu'ils avaient au moment où ils ont été faits prisonniers.

XVIII. Le temps de service exigé pour passer d'un grade à un autre pourra être réduit de moitié à la guerre ou dans les colonies.

XIX. Il ne pourra être dérogé aux conditions de temps imposées par l'article précédent pour passer d'un grade à un autre si ce n'est,

1. Pour action d'éclat dûment justifiée et mise à l'ordre du jour de l'Armée ;

2. Lorsqu'il ne sera pas possible de pourvoir autrement au remplacement des vacances dans les corp en présence de l'ennemi.

XX. En temps de guerre, et dans les corps qui seront en présence de l'ennemi, seront données, savoir.

A l'ancienneté, la moitié des grades de lieutenant et de capitaine ;

Au choix du roi, la totalité des grades de chef de bataillon et de chef d'escadron.

XXI. Il ne pourra, dans aucun cas, être nommé à un grade sans emploi ou hors des cadres des états-majors, ni être accordé des grades honoraires.

Il ne pourra également, dans aucun cas, être donné un rang supérieur à celui de l'emploi.

XXII. Toutes les promotions d'officiers seront immédiatement rendues publiques par insertion au *Journal Militaire Officiel*, avec l'indication du tour de l'avancement, du nom de l'officier qui était pourvu de l'emploi devenu vacant, et de la cause de la vacance.

XXIII. Nul officier admis à la retraite ne pourra être replacé dans les cadres de l'Armée.

XXIV. L'emploi est distinct du grade.

Aucun officier ne pourra être privé de son grade que dans les cas et suivant les formes déterminés par la loi.

XXV. Toutes les dispositions de la présente loi sont applicables aux troupes d'artillerie et de l'infanterie de la marine.

XXVI. Toutes les dispositions contraires à la présente loi sont abrogées.

La présente loi, discutée, délibérée et adoptée par la chambre des pairs et par celle des députés, et sanctionnée par nous cejourd'hui, sera exécutée comme loi de l'état.

Donnons en mandement à nos cours et tribunaux, préfets, corps administratifs et tous autres, que les présentes ils gardent et maintiennent, fassent garder, observer et maintenir; et, pour les rendre plus notoires à tous, ils les fassent publier et enregistrer partout où besoin sera; et, afin que ce soit chose ferme et stable à toujours, nous y avons fait mettre notre sceau.

Fait à Paris, au Palais des Tuileries, le 14 jour du mois d'Avril, 1832.

Signé LOUIS-PHILIPPE.

Vu et scellé du grand sceau:
*Le Garde des Sceaux de France, Ministre Secrétaire d'Etat au Département de la Justice,*
Signé BARTHE.

Par le Roi:
*Le Ministre Secrétaire d'Etat au Département de la Guerre,*
Signé M^al^. Duc de DALMATIE.

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No. 3.—*LOI sur l'Etat des Officiers.*

*Au Palais des Tuileries, le* 19 *Mai* 1834.

LOUIS-PHILIPPE, roi des Français,

A tous présens et à venir, salut.

Les chambres ont adopté nous avons ordonné et ordonnons ce qui suit:

## TITRE PREMIER.—*Du Grade.*

ART. I. Le grade est conféré par le roi; il constitue l'état de l'officier. L'officier ne peut le perdre que par l'une des causes ci-après:

1. Démission accepté par le roi;
2. Perte de la qualité de Français, prononcée par jugement;
3. Condamnation à une peine afflictive ou infamante;
4. Condamnation à une peine correctionnelle, pour délits prévus par la section 1 et les articles 402, 403, 405, 406 et 407 du chapitre II du titre II du livre III du Code pénal;
5. Condamnation à une peine correctionnelle d'emprisonnement, et qui, en outre, a placé le condamné sous la surveillance de la haute police, et l'a interdit des droits civiques, civils et de famille;
6. Destitution prononcée par jugement d'un conseil de guerre.

Indépendamment des cas prévus par les autres lois en vigueur, la destitution sera prononcée pour les causes ci-après déterminées.

1. A l'égard de l'officier en activité, pour l'absence illégale de son corps, après trois mois;
2. A l'égard de l'officier en activité, en disponibilité ou en non-activité, pour résidence hors du royaume sans l'autorisation du roi, après quinze jours d'absence.

## TITRE II.—*Des Positions de l'Officier.*

II. Les positions de l'officier sont:

L'activité et la disponibilité,
La non-activité,
La réforme,
La retraite.

### SECTION 1.—*De l'Activité.*

III. L'activité est la position de l'officier appartenant à l'un des cadres constitutifs de l'Armée, pourvu d'emploi, et de l'officier hors cadre employé temporairement à un service spécial ou à une mission.

La disponibilité est la position spéciale de l'officier général ou d'état-major appartenant au cadre constitutif et momentanément sans emploi.

### SECTION 2.—*De la Non-activité.*

IV. La non-activité est la position de l'officier hors cadre et sans emploi.

V. L'officier en activité ne peut être mis en non-activité que par l'une des causes ci-après:

Licenciement de corps;
Suppression d'emploi;
Rentrée de captivité à l'ennemi, lorsque l'officier prisonnier de guerre a été remplacé dans son emploi;
Infirmités temporaires;
Retrait ou suspension d'emploi.

VI. La mise en non-activité par retrait ou suspension d'emploi, a lieu par décision royale, sur le rapport du ministre de la guerre.

VII. Les officiers en non-activité par licenciement de corps, suppression d'emploi ou rentrée de captivité à l'ennemi, sont appelés à remplir la moitié des emplois de leur grade vacans dans l'arme à laquelle ils appartiennent.

Le temps passé par eux en non-activité leur est compté comme service effectif pour les droits à l'avancement, au commandement, à la réforme et à la retraite.

VIII. Les officiers en non-activité pour infirmités temporaires et par retrait ou suspension d'emploi, sont susceptibles d'être remis en activité.

Le temps passé par eux en non-activité leur est compté comme service effectif pour la réforme et pour la retraite seulement.

### SECTION 3.—*De la Réforme.*

IX. La réforme est la position de l'officier sans emploi qui, n'étant plus susceptible d'être rappelé à l'activité, n'a pas de droits acquis à la pension de retraite.

X. La réforme peut être prononcée,

1. Pour infirmités incurables;
2. Par mesure de discipline.

Papers laid before the Commission by the French Officers.

§ 1.—*De la Réforme pour Infirmités Incurables.*

XI. La réforme pour infirmités incurables sera prononcée dans les formes voulues par la loi du 11 Avril 1831, sur les pensions de l'Armée de terre.

§ 2.—*De la Réforme par Mesure de Discipline.*

XII. Un officier ne peut être mis en réforme, pour cause de discipline, que pour l'un des motifs ci-après :

Inconduite habituelle ;

Fautes graves dans le service ou contre la discipline ;

Fautes contre l'honneur ;

Prolongation au-delà de trois ans de la position de non-activité, sauf les restrictions énoncées en l'article suivant.

XIII. La réforme par mesure de discipline des officiers en activité et des officiers en non-activité sera prononcée par décision royale, sur le rapport du ministre de la guerre, d'après l'avis d'un conseil d'enquête, dont la composition et les formes seront déterminées par un réglement d'administration publique.

La réforme, à raison de la prolongation de la non-activité pendant trois ans, ne pourra être prononcée qu'à l'égard de l'officier qui, d'après l'avis du même conseil, aura été reconnu non susceptible d'être rappelé à l'activité.

Les avis du conseil d'enquête ne pourront être modifiés qu'en faveur de l'officier.

SECTION 4.—*De la Retraite.*

XIV. La retraite est la position définitive de l'officier rendu à la vie civile et admis à la jouissance d'une pension, conformément aux lois en vigueur.

TITRE III.—*De la Solde.*

XV. La solde d'activité et celle de disponibilité sont réglées suivant les tarifs approuvés par le roi.

XVI. La solde de non-activité est fixée :

1. Pour l'officier sorti de l'activité par suite de licenciement de corps, de suppression d'emploi, de rentrée de captivité à l'ennemi ou d'infirmités temporaires, à moitié de la solde d'activité dégagée de tous accessoires et de toute indemnité représentative ;

2. Pour l'officier sorti de l'activité par retrait ou par suspension d'emploi, aux deux cinquièmes de la même solde.

XVII. Les lieutenans et sous-lieutenans en non-activité toucheront les trois cinquièmes de la solde d'activité dépouillée de tous accessoires par exception au paragraphe 1 de l'article précédent.

XVIII. Nul officier réformé n'a droit à un traitement, s'il n'a accompli le temps de service imposé par la loi de recrutement.

Tout officier reformé, ayant moins de vingt ans de service, recevra, pendant un temps égal à la moitié de la durée de ses services effectifs, une solde de réforme égale aux deux tiers du *minimum* de la pension de retraite de son grade, conformément à ce qui est déterminé par la loi du 11 Avril, 1831.

L'officier ayant, au moment de sa réforme, plus de vingt ans de service effectif, recevra une pension de réforme dont la quotité sera déterminée d'après le *minimum* de la retraite de son grade, à raison d'un trentième pour chaque année de service effectif.

XIX. Les pensions et traitemens de réforme ci-dessus déterminés peuvent se cumuler avec un traitement civil.

XX. Les pensions de réforme accordées après vingt ans de service seront inscrites au livre des pensions du trésor public. Elles seront, comme les pensions de retraite, incessibles et insaisissables, excepté dans les cas de débet envers l'état, ou dans les circonstances prévues par les articles 203, 205, et 214 du Code civil.

Dans ces deux cas, les pensions de réforme sont passibles de retenues qui ne peuvent excéder le cinquième pour cause de débet, et le tiers pour alimens.

XXI. Dans aucun cas, il ne peut y avoir lieu à réversibilité de tout ou partie de la pension de réforme sur les veuves et les orphelins.

TITRE IV.—*Dispositions Transitoires.*

XXII. Les officiers actuellement en jouissance de solde de congé illimité et de non-activité ou de traitement de réforme, restent dans les positions où ils ont été placés par les ordonnances royales.

Les dispositions des articles 13 et 18 de la présente loi seront toutefois appliquées à ceux de ces officiers qui seraient reconnus devoir passer de la position de congé illimité ou de non-activité à celle de réforme.

XXIII. Les officiers mis en réforme avec ou sans traitement, depuis le 1 Avril 1814 jusqu'au 1 Août 1830, et qui sont actuellement en activité de service, ou en possession d'une solde de non-activité ou de congé illimité, seront admis à faire valoir pour la retraite ou la réforme, comme service effectif, le temps qu'ils ont antérieurement passé en réforme ; mais seulement jusqu'à concurrence du nombre d'années qui ouvrent le droit au *minimum* de la pension de retraite.

Le même droit est accordé aux officiers réintégrés dans l'Armée depuis le 1 Août 1830, et qui, par suite d'infirmités ou pour tout autre motif de santé duement constaté, auront été mis à la position de réforme.

TITRE V.—*De l'Application à l'Armée de Mer.*

XXIV. La présente loi est déclarée commune aux deux services de terre et de mer. Elle est, en conséquence, applicable aux officiers des troupes de la marine et aux officiers entretenus des autres corps de ce département.

Néanmoins, la mise en non-activité d'un officier de vaisseau ou d'autres officiers entretenus des corps de la marine, ne pourra ouvrir aucune vacance dans le cadre de l'état-major maritime.

XXV. Les pensions de réforme qui, en exécution de l'article 18 ci-dessus, devront être accordées aux officiers entretenus des corps de la marine, après vingt ans de service effectif, seront liquidées proportionnellement, et payées suivant la teneur des articles 1 et 26 de la loi du 18 Avril 1831.

TITRE VI.—*Dispositions Générales.*

XXVI. Les dispositions de la présente loi sont applicables au corps de l'intendance militaire.

Elles sont également applicables aux officiers de santé des armées de terre et de mer, à ceux de l'administration des hôpitaux, et aux agens du service de l'habillement et du campement.

XXVII. Tout officier condamné par jugement à un emprisonnement de plus de six mois sera suspendu de son emploi, ou mis en réforme, en se conformant aux dispositions des articles 6 et 13 de la présente loi.

La durée de l'emprisonnement ne comptera jamais comme temps de service effectif, même pour la retraite.

XXVIII. Toutes dispositions antérieures, contraires à la présente loi, sont et démeurent abrogées.

La présente loi, discutée, délibérée et adoptée par la chambre des pairs et par celle des députés, et sanctionnée par nous cejourd'hui, sera exécutée comme loi de l'état.

Donnons en mandement à nos cours et tribunaux, préfets, corps administratifs et tous autres, que les présentes ils gardent et maintiennent, fassent garder, observer et maintenir; et, pour les rendre plus notoires à tous, ils les fassent publier et enregistrer partout ou besoin sera; et, afin que ce soit chose ferme et stable à toujours, nous y avons fait mettre notre sceau.

Fait à Paris, au palais des Tuileries, le 19 jour du mois de Mai 1834.

Signé LOUIS-PHILIPPE.

Vu et scellé du grand sceau:
*Le Garde des Sceaux de France, Ministre Secrétaire d'Etat au Département de la Justice et des Cultes,*
Signé C. PERSIL.

Par le Roi:
*Le Président du Conseil, Ministre Secrétaire d'Etat au Département de la Guerre,*
Signé M^al. Duc de DALMATIE.

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No. 4.—*LOI qui règle la Manière de procéder au Jugement des Délits Militaires.*

*Du 13 Brumaire, An V. de la République.*

Le conseil des anciens, considérant que les lois actuellement existantes ont été reconnues insuffisantes pour détruire les germes d'insubordination et d'indiscipline, et que les délais prescrits par la constitution pour les cas ordinaires pourraient compromette le salut et la gloire de l'état, approuve l'acte d'urgence.

*Suit la teneur de la Declaration d'Urgence et de la Résolution du 9 Brumaire:*

Le conseil des cinq-cents, considérant qu'il importe à l'honneur et à la gloire des armées de la République de mettre un frein aux délits qui s'y commettent, et de leur conserver dans toute sa pureté cette réputation de bravoure qui les distingue;

Considérant que c'est contre le vœu et les intentions de la nation française, que plusieurs de ses défenseurs oublient la protection qu'ils doivent aux habitans et aux propriétés de tous les pays;

Considérant enfin l'insuffisance des lois militaires existantes pour rappeler l'ordre et la discipline dans les armées,

Déclare qu'il y a urgence.

Le Conseil des Cinq-cents, après avoir déclaré l'urgence, prend la résolution suivante:

ART. I. Il sera établi, pour toutes les troupes de la République, et jusqu'à la paix, un conseil de guerre permanent, dans chaque division d armée, et dans chaque division de troupes employées dans l'intérieur, pour connaître et juger de tous les délits militaires.

II. Chaque conseil de guerre sera composé de sept membres, savoir:

D'un chef de brigade, lequel remplira toujours les fonctions de président,
D'un chef de bataillon ou chef d'escadron,
De deux capitaines,
D'un lieutenant,
D'un sous-lieutenant et d'un sous-officier.
Un capitaine fera les fonctions de rapporteur,
Le greffier sera toujours au choix du rapporteur.

III. Il y aura toujours près le conseil de guerre, un capitaine faisant les fonctions de commissaire du pouvoir exécutif, tant pour l'observation des formes que pour l'application et l'exécution de la loi.

IV. Les membres du conseil de guerre, le rapporteur, et le capitaine chargé des fonctions de commissaire du pouvoir exécutif, seront nommés par le commandant en chef de la division: en cas d'empêchement légitime de quelqu'un de ses membres, il sera pourvu à son remplacement par le commandant.

V. Le commandant en chef de chaque division est autorisé à changer tout ou partie des membres du conseil de guerre, lorsqu'il le croira nécessaire pour le bien du service: ce changement ne pourra néanmoins avoir lieu pour le jugement d'un délit à raison duquel le prévenu sera arrêté, ou l'information commencée.

VI. A moins de maladie bien constatée, aucun officier ou sous-officier nommé membre du conseil de guerre ne pourra refuser sa nomination, sous peine d'être destitué et puni de trois mois de prison: le conseil de guerre sera compétent pour prononcer cette peine, dont l'application se fera sur l'ordre par écrit du président, qui sera tenu d'en rendre compte au ministre de la guerre.

VII. Les parens et alliés au degré prohibé par la constitution, ne peuvent être membres du même conseil de guerre.

VIII. Aucun parent du prévenu au degré prohibé par la constitution, ne siégera comme juge au conseil de guerre: dans ce cas, il sera momentanément pourvu à son remplacement.

IX. Nul ne sera traduit au conseil de guerre, que les militaires, les individus attachés à l'armée et à sa suite, les embaucheurs, les espions, et les habitans du pays ennemi occupé par les armées de la République, pour les délits dont la connaissance est attribuée au conseil de guerre.

X. Sont seuls réputés attachés à l'armée et à sa suite, et, comme tels, justiciables du conseil de guerre.

1. Les voituriers, charretiers, muletiers et conducteurs de charrois, employés au transport de l'artillerie, bagages, vivres et fourrages de l'armée, dans les marches, camps, cantonnemens, et pour l'approvisionnement des places en état de siége.

2. Les ouvriers suivant l'armée;

3. Les gardes-magasins d'artillerie, ceux des vivres et fourrages, pour les distributions, soit au camp, soit dans les cantonnemens, soit dans les places en état de siége;

4. Tous les préposés aux administrations pour le service des troupes;

5. Les secrétaires-commis et écrivains des administrateurs, et ceux des états-majors;

Papers laid before the Commission by the French Officers.

6. Les agens de la trésorerie près les armées;

7. Les commissaires des guerres;

8. Les individus chargés de l'établissement et de la levée des réquisitions pour le service ou approvisionnement des armées, et ceux préposés à la répartition et perception des contributions militaires;

9. Les médecins, chirurgiens et infirmiers des hôpitaux militaires et ambulances, les aides ou élèves des chirurgiens desdits hôpitaux et ambulances;

10. Les vivandiers, les munitionnaires et boulangers de l'Armée;

11. Les domestiques au service des officiers et des employés à la suite de l'Armée.

XI. Tout justiciable du conseil de guerre, prévenu d'un délit militaire, sera mis aussitôt en état d'arrestation, sous la garde d'un force suffisante, qui en répondra.

XII. L'officier supérieur commandant sur le lieu, qui, par voie de plainte, notoriété publique ou autrement, aura connaissance certaine d'un délit commis par un militaire ou autre justiciable du conseil de guerre, ordonnera sur-le-champ au capitaine faisant les fonctions de rapporteur, de recevoir la plainte s'il en est faite une, de faire sur-le-champ l'information, d'entendre les témoins, d'interroger le prévenu, et de lui rendre compte. A défaut de plainte, il sera également procédé à l'information.

XIII. Après avoir reçu la plainte, le rapporteur recevra la déposition des témoins; s'il y a des preuves matérielles du délit, il les constatera. Les témoins signeront leurs déclarations; s'ils ne savent signer, il en sera fait mention.

Dans le cas où les témoins refuseraient de déposer, ou de signer leur déposition, il sera passé outre à l'interrogatoire du prévenu.

XIV. Pour l'information, comme pour le reste de la procédure jusqu'au jugement définitif, le rapporteur se fera aider du greffier.

XV. Après avoir constaté le corps et les circonstances du délit et reçu la déposition des témoins, il interrogera le prévenu sur ses nom, prénom, âge, lieu de naissance, profession et domicile, et sur les circonstances du délit; s'il y a des preuves matérielles du délit, elles seront représentées au prévenu, pour qu'il ait à déclarer s'il les reconnaît.

XVI. S'il y a plusieurs prévenus du même délit, chacun d'eux sera interrogé séparément.

XVII. L'interrogatoire fini, il en sera donné lecture au prévenu, afin qu'il déclare si ses réponses ont été fidèlement transcrites, si elles contiennent vérité, et s'il y persiste, auquel cas il signera; s'il ne peut ou ne veut signer, il en sera fait mention, et l'interrogatoire sera clos par la signature du rapporteur et celle du greffier. Il sera pareillement donné lecture au prévenu, du procès-verbal d'information.

XVIII. Les interrogatoires et réponses des prévenus du même délit seront inscrits de suite sur un seul et même procès-verbal, et séparés seulement par leurs signatures et celles du rapporteur et du greffier.

XIX. Après avoir clos l'interrogatoire, le rapporteur dira au prévenu de faire choix d'un ami pour défenseur.

Le prévenu aura la faculté de choisir ce défenseur dans toutes les classes des citoyens présens sur les lieux: s'il déclare qu'il ne peut faire ce choix, le rapporteur le fera pour lui.

XX. Dans aucun cas, le défenseur ne pourra retarder la convocation du conseil de guerre.

XXI. Il sera donné au défenseur communication du procès-verbal d'information, de l'interrogatoire subi par le prévenu, et de toutes les pièces tant à charge qu'à décharge envers ledit prévenu.

XXII. Le rapporteur rendra compte aussitôt à l'officier-commandant, de l'état de la procédure; et sur-le-champ ledit officier-commandant convoquera le conseil de guerre, qui se tiendra toujours au lieu indiqué par le président.

XXIII. Le conseil de guerre, une fois assemblé, ne pourra désemparer avant que les prévenus pour lesquels il aura été convoqué, ne soient définitivement jugés.

XXIV. Les séances du conseil de guerre seront publiques; mais le nombre des spectateurs ne pourra excéder le triple de celui des juges: ils ne pourront entrer avec armes, cannes, ni bâtons; ils s'y tiendront chapeau bas et en silence; et si quelqu'un d'entre eux s'écartait du respect dû au tribunal, le président pourra le reprendre, et le condamner à garder prison, jusqu'au terme de quinze jours, suivant la gravité du fait.

XXV. Le conseil étant assemblé, le président fera apporter et déposer devant lui, sur le bureau, un exemplaire de la loi: le procès-verbal fera mention de cette formalité indispensable. Il demandera ensuite au rapporteur la lecture du procès-verbal d'information, et celle des pièces à charge comme à décharge envers le prévenu.

XXVI. Lecture faite du procès-verbal et des pièces, le président ordonnera que l'accusé soit amené devant le conseil: l'accusé paraîtra devant ses juges, libre et sans fers, accompagné de son défenseur; l'escorte restera en dehors de la salle du conseil, ou elle y sera introduite, selon que le président en ordonnera.

XXVII. Le président interrogera l'accusé, lequel répondra par lui ou par son défenseur, excepté sur les questions auxquelles il sera interpellé de répondre personnellement.

Les membres du conseil pourront faire des questions à l'accusé.

XXVIII. Si la partie plaignante se présente au conseil, elle y sera admise et entendue; elle pourra faire ses observations, auxquelles l'accusé répondra, ou son défenseur pour lui: après quoi, le président demandera à l'accusé et à son défenseur s'ils n'ont rien à ajouter pour leur défense; sur leur réponse négative, il leur ordonnera de se retirer: l'accusé sera reconduit à la prison par son escorte.

XXIX. Le président demandera aux membres du conseil s'ils ont des observations à faire; sur leur réponse, et avant d'aller aux opinions, il ordonnera que tout le monde se retire: les membres du conseil opineront à huis clos, en présence seulement du capitaine faisant les fonctions de commissaire du pouvoir exécutif.

XXX. Le président posera la question ainsi qu'il suit: *N—, accusé d'avoir commis tel délit, est-il coupable?*

Il recueillera les voix, en commençant par le grade inférieur: il émettra son opinion le dernier.

XXXI. Dans le cas où trois membres du conseil déclareraient que l'accusé n'est pas coupable, il sera mis sur-le-champ en liberté, et rendu à ses fonctions.

XXXII. Si le conseil déclare, à la majorité de cinq voix, que l'accusé est coupable, l'officier faisant les fonctions de commissaire du pouvoir exécutif requerra l'application de la peine prononcée par la loi contre le délit; le président lira la texte de la loi, et prendra l'avis des juges pour l'application de la peine, qui sera déterminée par la majorité de cinq voix.

XXXIII. Dans le cas ou la majorité de cinq voix ne se réunirait pas pour l'application de la peine, l'avis le plus favorable à l'accusé sera adopté.

XXXIV. Les opinions ainsi recuillies, le président fera rouvrir la porte du conseil; le rapporteur et le greffier reprendront leur place.

XXXV. Le président, après avoir rendu à haute voix et fait inscrire au procès-verbal la décision du conseil sur la culpabilité de l'accusé, lira de nouveau le texte de la loi, et appliquera la peine prononcée par le conseil.

XXXVI. Le jugement de condamnation ainsi prononcé, le président ordonnera au rapporteur de faire ses diligences pour qu'il soit mis de suite à exécution.

Le greffier, en présence du conseil, écrira le jugement motivé au pied du procès-verbal, qui sera ensuite clos et signé de tous les membres du conseil, du rapporteur et dudit greffier.

XXXVII. Dans le cas prévu par l'article XXXI ci-dessus, le procès-verbal sera terminé par le renvoi ou la décharge d'accusation et la mise en liberté du prévenu, clos et signé comme il vient d'être dit.

XXXVIII. Le rapporteur, muni de la copie du jugement, ira de suite en faire lecture à l'accusé, en présence de la garde rassemblée sous les armes. Aussitôt après cette lecture, le rapporteur se rendra auprès de l'officier-commandant; il lui donnera communication de la sentence, et le requerra, au nom du conseil, de donner les ordres sur-le-champ pour le lieu et l'heure de l'exécution, et le nombre d'hommes en armes qui devra s'y trouver.

XXXIX. Dans les trois jours qui suivront l'exécution, le rapporteur sera tenu de faire passer copie certifiée du jugement de chaque condamné, au conseil d'administration du corps dont il faisait partie, afin qu'il soit pourvu de suite à sa radiation définitive de tout état et contrôle de solde, masse, fournitures et décompte.

XL. La minute de toutes les procédures instruites et des jugemens rendus en conséquence par le conseil de guerre, sera inscrite sur un registre coté et paraphé avec soin, dont le président restera dépositaire. Il sera envoyé au commencement de chaque mois, par le président, au ministre de la guerre, copie certifiée de tous les jugemens rendus par le conseil de guerre pendant le mois précédent.

XLI. Dans la quinzaine de la réception des copies des jugemens dont l'envoi est prescrit par l'article précédent, le ministre de la guerre sera tenu de les notifier aux municipalités du domicile des condamnés, et de s'en faire accuser, par les agens municipaux, la réception et notification aux familles desdits condamnés.

XLII. A dater de la publication de la présente loi, les conseils et commissions militaires établis en vertu de la loi du second jour complémentaire de l'an 3, seront et demeureront supprimés.

XLIII. La présente résolution sera imprimée.

*Signé*, CAMBACÉRÉS, *président;* T. BERLIER, MATHIEU DUBOIS (des Vosges), FABRE, *secrétaires.*

Après une seconde lecture, le Conseil des Anciens APPROUVE la résolution ci-dessus. Le 13 brumaire, an 5 de la République française.

*Signé*, J. G. LACUÉE, *président;* KERVELEGAN, VIENNET, LEPAIGE, *secrétaires.*

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*No. 5.—CODE des Délits et des Peines pour les Troupes de la République.*

*Du 21 Brumaire, an V. de la République Française, une et indivisible.*

LE Conseil des Anciens, adoptant les motifs de la déclaration d'urgence qui précede la résolution ci-après, approuve l'acte d'urgence.

*Suit la teneur de la Déclaration d'Urgence et de la Résolution du 15 Brumaire:*

Le Conseil des Cinq-cents, considérant qu'il est instant de ne rien laisser à l'arbitraire dans le jugement et la punition de quelques excès d'indiscipline non prévus par les lois militaires existantes,

Déclare qu'il y a urgence.

Le Conseil, après avoir déclaré l'urgence, prend la résolution suivante:

## TITRE PREMIER.—*De la Désertion à l'Ennemi.*

ART. I. Tout militaire ou autre individu attaché à l'armée et à sa suite, qui passera à l'ennemi sans une autorisation par écrit de ses chefs, sera puni de mort.

II. Sera réputé déserteur à l'ennemi, et comme tel puni de mort, tout militaire ou autre individu attaché à l'armée et à sa suite, qui, sans ordre ou permission par écrit de son supérieur, aura franchi les limites fixées par le commandant de la troupe dont il fait partie, sur les côtés par lesquels on pourrait communiquer avec l'ennemi.

III. Sera également réputé déserteur à l'ennemi, et puni de mort, tout militaire ou autre individu attaché à l'armée et à sa suite, qui sortira d'une place assiégée ou investie par l'ennemi, sans en avoir obtenu la permission par écrit du commandant de la place.

IV. Tout militaire qui, étant en faction ou en vedette en présence de l'ennemi aura sans avoir rempli sa consigne, abandonné son poste, pour ne songer qu'à sa propre sûreté, sera puni de mort.

V. Tout militaire ou autre individu employé à l'armée et à sa suite, qui sera convaincu d'avoir excité ses camarades à passer chez l'ennemi, sera réputé chef du complot, et puni de mort, quand même la désertion n'aurait point eu lieu.

VI. Lorsque des militaires auront formé le complot de passer à l'ennemi, et que le chef du complot ne sera pas connu, le plus élevé en grade des militaires complices, ou, à grade égal, le plus ancien de service, sera réputé chef du complot, et puni comme tel.

Si le complot a été formé seulement par des employés à la suite de l'armée, le plus élevé en grade, et, à grade égal, le plus ancien de service, sera réputé chef du complot, et puni comme tel.

VII. Tout complice qui révélera un complot, ne pourra être poursuivi ni puni à raison du crime qu'il aura découvert.

## TITRE II.—*De la Désertion à l'Intérieur.*

ART. I Tout militaire qui sera convaincu d'avoir déserté de l'armée, ou d'une place de première ligne sur la frontière menacée ou exposée, pour se retirer dans l'intérieur de la République, sera puni de cinq ans de fers.

II. Tout militaire convaincu d'avoir déserté de l'armée, ou d'une place de première ligne, étant de

Papers laid before the Commission by the French Officers.

service, sera puni de sept ans de fers ; s'il a déserté étant en faction ou en vedette, la peine sera de dix ans de fers. Dans l'un ou l'autre de ces deux cas, la désertion avec armes et bagages sera punie de quinze ans de fers.

III. Sera réputé déserteur à l'intérieur, et puni comme tel suivant les circonstances du délit, tout militaire qui, à l'armée, aura manqué aux appels faits d'un lever du soleil à l'autre, sans une permission par écrit de ses chefs, ou sans un congé dans les formes prescrites par les lois militaires.

IV. Sera également réputé déserteur à l'intérieur, et puni comme tel suivant les circonstances du délit, tout militaire qui, sans permission ou congé comme il vient d'être dit, aura manqué aux appels pendant un intervalle de trente-six heures, dans une place de première ligne.

V. Sera aussi réputé déserteur à l'intérieur, et puni suivant la gravité des circonstances du délit, tout militaire qui, sans congé ou permission ainsi qu'il est dit ci-dessus, aura dépassé les limites fixées par le commandant du côté opposé à celui de l'ennemi, soit au camp, soit au cantonnement, soit à une place en état de siége.

VI. Tout militaire ou autre individu attaché à l'armée et à sa suite hors le territoire de la République, convaincu d'avoir recélé la personne d'un déserteur, d'avoir favorisé son évasion, ou de l'avoir soustrait aux recherches et poursuites ordonnées par la loi, sera regardé comme complice du déserteur, et condamné à la même peine.

VII. Tout habitant de l'intérieur de la République, qui sera convaincu d'avoir recélé la personne d'un déserteur, d'avoir favorisé son évasion, ou de l'avoir, de quelque autre manière, soustrait aux recherches et poursuites ordonnées par la loi, sera dénoncé à l'accusateur public de son département, poursuivi devant le tribunal criminel, et puni de deux ans de gêne ; et de deux ans de fers, s'il a recélé le déserteur avec armes et bagages.

Tout habitant du pays ennemi occupé par les troupes de la République, dans le cas prévu par l'article précédent, sera puni de la même peine que le déserteur, suivant la gravité des circonstances de la désertion.

## TITRE III.—*De la Trahison.*

ART. I. Tout militaire ou autre individu attaché à l'armée ou à sa suite, convaincu de trahison, sera puni de mort.

II. Sont réputés coupables de trahison,

1. Tout individu qui, en présence de l'ennemi, sera convaincu de s'être permis des clameurs tendant à jeter l'épouvante et le désordre dans les rangs ;

2. Tout commandant d'un poste, toute sentinelle ou vedette, qui, en présence de l'ennemi, soit à l'armée, soit dans une place assiégée, aura donné de fausses consignes, lorsque, par suite de cette faute, la sûreté du poste aura été compromise.

3. Tout commandant d'une patrouille à l'armée ou dans une place assiégée, qui, envoyé en présence de l'ennemi pour faire quelque découverte ou reconnaissance locale, aura négligé d'en rendre compte, ou bien n'aura pas exécuté ponctuellement l'ordre qui lui était donné, lorsque, par suite de sa négligence, ou de sa désobéissance, le succès de quelque opération militaire se sera trouvé compromis ;

4. Tout commandant d'un poste à l'armée en présence de l'ennemi ou dans une place assiégée, qui n'aurait pas rendu compte à celui qui le relève des découvertes qu'il aurait faites, soit par lui-même, soit par ses patrouilles, lorsque, par suite de son silence, la sûreté du poste se sera trouvée compromise ;

5. Tout militaire convaincu d'avoir communiqué le secret du poste ou le mot d'ordre à l'ennemi ;

6. Tout militaire ou autre individu attaché à l'armée et à sa suite, qui entretiendrait une correspondance dans l'armée ennemie sans la permission par écrit de son supérieur ;

7. Tout militaire ou autre individu attaché à l'armée ou à sa suite, qui sans ordre de son supérieur, ou sans motif légitime, aurait encloué ou mis hors de service un canon, mortier, obusier ou affût ; ainsi que tout charretier ou conducteur qui, dans une affaire, déroute ou retraite, en présence de l'ennemi, aurait, sans ordre de son supérieur, coupé les traits des chevaux, brisé ou mis hors de service aucune pièce du train ou équipage confié à sa conduite ;

8. Tout commandant d'une place assiégée, qui sans avoir pris l'avis ou contre le vœu de la majorité du conseil militaire de la place (auquel devront toujours être appelés les officiers en chef de l'artillerie et du génie), aura consenti à la reddition de la place avant que l'ennemi y ait fait brèche praticable ou qu'elle ait soutenu un assaut :

9. Tout commissiaire-ordonnateur, ou autre en faisant les fonctions, qui n'aurait pas pourvu aux distributions de vivres et fourrages ordonnées pour toutes les parties du service confié à sa surveillance, lorsqu'il en avait les moyens, ou qui aurait négligé ou refusé d'instruire le général en chef de l'armée, ou d'une division détachée de l'armée, des besoins en ce genre de ladite armée ou division, si, par suite de cette prévarication, le salut de l'armée ou le succès de ses opérations a été compromis.

## TITRE IV.—*De l'Embauchage et de l'Espionnage.*

ART. I. Tout embaucheur ou complice d'embauchage pour une puissance en guerre avec la République, sera puni de mort.

II. Tout individu, quel que soit son état, qualité ou profession, convaincu d'espionnage pour l'ennemi, sera puni de mort.

III. Tout étranger surpris à lever les plans des camps, quartiers, cantonnemens, fortifications, arsenaux, magasins, manufactures, usines, canaux, rivières, et généralement de tout ce qui tient à la défense et conservation du territoire et à ses communications, sera arrêté comme espion, et puni de mort.

## TITRE V.—*Du Pillage, de la Dévastation et de l'Incendie.*

ART. I. Tout militaire ou autre individu attaché à l'armée et à sa suite, convaincu de pillage à main armée ou en troupe, soit dans les habitations, soit sur les personnes, soit dans les propriétés des habitans de quelque pays que ce soit, sera puni de mort.

II. Sera également puni de mort, tout militaire ou autre individu attaché à l'armée et à sa suite, qui sera convaincu d'avoir porté le ravage et le dégât, à main armée ou en troupe, sur les propriétés des habitans de quelque pays que ce soit, sans l'ordre par écrit du général ou autre commandant en chef.

III. Tout militaire ou autre individu attaché à l'armée et à sa suite, qui sera convaincu d'avoir mis le feu aux magasins, arsenaux, maisons rurales ou d'habitation, ou à toute autre propriété publique ou particulière, moissons ou récoltes faites ou à faire, en quelque pays que ce soit, sans l'ordre par écrit du général ou autre commandant en chef, sera puni de mort.

IV. Tout militaire ou autre individu attaché à l'armée et à sa suite, convaincu d'avoir attenté à la

vie de l'habitant non armée, à celle de sa femme ou de ses enfans, en quelque pays et lieu que ce soit, sera puni de mort.

Le viol commis par un militaire ou tout autre individu attaché à l'armée et à sa suite, sera puni de huit ans de fers. Si le coupable s'est fait aider par la violence ou les efforts d'un ou de plusieurs complices, ou si le viol a été commis sur une fille âgée de moins de quatorze ans, la peine sera de douze ans de fers.

Si la fille ou la femme violée est morte des excès commis sur sa personne, le coupable sera puni de mort.

V. Tout militaire qui, hors le cas d'un ordre donné par le général ou autre commandant en chef, sera convaincu d'avoir, pendant ou après une action et sur le champ de bataille, dépouillé un homme tué au combat, sera puni de cinq ans de fers.

La peine sera de dix ans de fers pour le vivandier ou autre individu non militaire convaincu du même délit.

VI. Tout militaire convaincu d'avoir, pendant ou aprés une action et sur le champ de bataille, dépouillé un homme mis hors de combat, mais encore vivant, sera puni de dix ans de fers.

La peine sera de vingt ans de fers pour le vivandier ou autre individu non militaire convaincu du même délit.

VII. Tout individu qui, en dépouillant un homme mis hors de combat, mais encore vivant, sera convaincu de l'avoir mutilé ou tué pour s'assurer de sa dépouille, sera puni de mort.

VIII. Tout vivandier ou autre individu attaché à l'armée et à sa suite, qui aura acheté, recélé, ou qui sera de toute autre manière détenteur ou dépositaire de la dépouille enlevée à un homme dans les cas prévus par les articles V, VI et VII ci-dessus, sera chassé de l'armée, camp ou cantonnement ; tous ses effets, marchandises et argent seront saisis : lesdits effets et marchandises seront vendus à l'encan, et le produit du tout sera appliqué au profit des hôpitaux et ambulances de l'armée.

IX. Seront pareillement saisis et vendus à l'encan, tous les effets et marchandises du vivandier ou autre individu condamné pour un des faits de pillage, dévastation, incendie et spoliation prévus et spécifiés au présent titre, et le produit en provenant sera appliqué au profit des hôpitaux et ambulances de l'armée.

X. A l'égard des effets reconnus pour avoir appartenu aux hommes dépouillés sur le champ de bataille, ils seront vendus, et le prix en provenant sera déposé dans les caisses des conseils d'administration des corps respectifs soit de ces mêmes hommes, soit de ceux qui auront été condamnés pour le fait de spoliation, pour être le produit desdits effets remis aux familles qui les réclameront.

Les effets provenant des militaires condamnés à mort pour le fait de spoliation prévu par l'article VII ci-dessus, seront pareillement vendus, et les deniers en provenant rendus aux familles qui les réclameront.

## TITRE VI.—*De la Maraude.*

Art. I. Tout sous-officier ou volontaire, ou tout autre individu attaché à l'armée et à sa suite, qui s'étant introduit dans la maison, cour, basse-cour, jardin, parc ou enclos fermé de murs, et généralement dans toute propriété close de l'habitant, sera convaincu d'y avoir pris soit bétail, soit volaille, viande, fruits, légumes ou tout autre comestible ou fourrage, sera condamné à faire deux fois le tour du quartier que son corps occupera, soit au camp, soit au cantonnement, au milieu d'un piquet bordant la haie, le reste de la troupe étant dehors et sous les armes : il portera ostensiblement la chose dérobé, ayant son habit retourné, et sur la poitrine un écriteau apparent, portant le mot *maraudeur*, en gros caractères.

Si la chose dérobée ne peut être portée par le maraudeur ; après avoir fait les deux tours avec l'habit retourné et l'écriteau seulement, il sera exposé pendant trois heures en avant du centre ou sur la place du quartier, ayant prés de lui la chose dérobée, l'habit et l'écriteau comme il est dit. Il sera maintenu en cette exposition par une garde suffisante.

II. Si le maraudeur a escaladé les murs ou forcé les portes, il fera trois tours et subira une heure de plus d'exposition.

III Sera condamné aux peines ci-dessus, tout militaire ou autre individu attaché à l'armée et à sa suite, convaincu d'avoir pris du bétail gardé à la corde ou en troupeau dans le champ de l'habitant.

IV. La récidive dans les délits de maraudage ci-dessus spécifiés, de la part des militaires, sera punie de cinq années de fers.

V. Tout sous-officier convaincu de maraudage dans l'un des cas prévus par les articles I, II, et III ci-dessus, sera cassé, indépendamment de la peine prononcée pour le délit.

VI. Tout employé à la suite de l'armée convaincu de maraudage dans l'un des cas prévus par les articles I, II, et III ci-dessus, sera chassé de son emploi ; ce qui sera échu de ses appointemens ou salaires lui sera retenu à concurrence du prix de la chose dérobée, et payé au propriétaire, le tout indépendamment de la peine encourue pour le fait de maraude.

VII. Tout vivandier ou autre individu attaché à l'armée et à sa suite, non entretenu des fonds de la République, convaincu de maraudage sera puni de cinq ans de fers, et condamné à restituer au propriétaire le double du prix de la chose dérobée, même par voie de saisie et vente de ses marchandises et effets, jusqu'à concurrence de la somme due pour restitution.

VIII. Tout militaire ou employé à la suite de l'armée et entretenu des fonds de la République, convaincu de persistance dans un délit de maraudage, ou de refus d'obéir au supérieur qui aurait voulu s'y opposer, sera puni de cinq ans de fers.

IX. Tout délit de maraudage commis en troupe à main armée, sera puni de huit ans de fers.

X. Tout officier convaincu de ne s'être point opposé à la maraude faite en sa présence, ou qui, s'y étant inutilement opposé, n'aura pas aussitôt dénoncé à l'officier supérieur le délit et ses auteurs, sera destitué et puni de trois mois de prison.

XI. Tout officier qui, oubliant ce qu'il doit, en sa qualité, au maintien de la discipline et de l'honneur militaire, sera convaincu d'un délit de maraude, sera destitué, chassé du corps, puni de deux ans de prison, déclaré incapable d'occuper aucun grade dans les troupes de la République, et déchu de tout droit à la pension ou récompense à raison de son service antérieur.

S'il a commis le délit avec ses subordonnés, il sera puni de dix ans de fers ; s'il a conduit sa troupe à la maraude, il sera puni de mort.

XII. Sera destitué et puni d'un an de prison, tout officier qui aura acheté ou reçu de ses subordonnés, aucuns objets provenant de la maraude.

Papers laid before the Commission by the French Officers.

## TITRE VII.—*Du Vol et de l'Infidélité dans la Gestion et Manutention.*

ART. I. Tout militaire ou employé à la suite de l'armée, qui, pour faire payer à sa troupe ou à ses subordonnés ce que la loi leur accorde, sera convaincu d'avoir porté son état de situation au-dessus du nombre effectif présent, sera puni de trois ans de fers, et condamné à restituer ce qu'il aura touché au delà de ce qui revenait a sa troupe ou à ses subordonnés.

II. Tout commissaire des guerres convaincu de connivence avec le militaire ou l'employé qui aurait fait un état de paye ou de distribution porté au-dessus du nombre effectif présent, sera puni de cinq ans de fers, et condamné à restituer les sommes payées ou les fournitures delivrées sur son ordonnance au delà de ce qui revenait de droit à la troupe comprise audit état.

III. Tout garde-magazin, distributeur ou manutentionnaire des vivres et fourrages pour les emmagasinemens et distributions à faire à l'armée et dans les places en état de siége, tout voiturier, charretier, muletier ou conducteur de charrois employé au transport de l'artillerie, bagages, vivres et fourrages de l'armée, qui sera convaincu d'avoir vendu ou détourné à son profit une partie des objets confiés à sa garde, manutention ou conduite, sera puni de cinq ans de fers, et condamné à la restitution desdits objets.

IV. Tout munitionnaire ou boulanger de l'armée qui sera convaincu d'avoir détourné ou vendu à son profit, soit des farines, soit du bois ou des ustensiles destinés à alimenter son service, sera puni de cinq ans de fers, et condamné à la restitution desdits objets.

V. Tout munitionnaire ou boulanger de l'armée qui sera convaincu d'avoir altéré ses farines par l'introduction de matières étrangères ou évidemment malfaisantes, ou d'en avoir introduit d'une qualité inférieure à celles fournies par les administrations, sera puni de cinq ans de fers.

VI. Tout munitionnaire ou boulanger qui sera convaincu d'avoir, par sa négligence, laissé gâter ou corrompre les grains ou farines confiés à sa manipulation, sera puni de six mois de prison, et condamné au remplacement des objets dépéris par sa négligence.

VII. Tout munitionnaire ou boulanger de l'armée convaincu d'infidélité dans le poids des rations de pain, sera puni de deux ans de fers, et condamné à une amende quadruple du prix des rations de pain par lui fournies dans la même distribution.

VIII. Tout munitionnaire chargé de la fourniture et distribution de la viande aux armées, convaincu d'avoir fourni et distribué des viandes dont le débit est prohibé par les réglemens de police, sera puni de trois ans de fers.

S'il a abattu et débité des animaux attaqués de maladie contagieuse, il sera puni de vingt ans de fers.

Dans l'un et l'autre cas, il sera condamné au remplacement des viandes réprouvées.

IX. Tout munitionnaire chargé de la fourniture et distribution de la viande aux armées, qui aura débité et distribué des viandes gâtées ou corrumpues, sera puni de trois mois de prison, et de six mois si le fait provient de sa négligence. Dans l'un et l'autre cas, il sera condamné au remplacement, à ses frais, de la viande réprouvée.

X. Tout munitionnaire chargé de la fourniture et distribution de la viande aux armées, qui sera convaincu d'avoir distribué à faux poids, sera puni de deux ans de fers, et condamné à une amende quadruple du prix des viandes par lui débitées dans la même distribution.

XI. Tout manutentionnaire de légumes et fourrages, qui sera convaincu d'avoir, par défaut de soin, laissé gâter ou avarier ces objets, sera puni de six mois de prison, et condamné au remplacement des quantités dépéries par sa faute.

XII. Tout distributeur de légumes et fourrages à l'armée et dans les places en état de siége, convaincu d'infidélité dans la mesure ou dans le poids des rations, sera puni de deux ans de fers.

## TITRE VIII.—*De l'Insubordination.*

ART. I. Tout militaire ou autre individu employé au service de l'armée, qui, lorsque la générale aura été battue, ne se sera pas rendu à son poste, sera, pour la première fois, puni d'un mois de prison; pour la seconde fois, de trois mois, et destitué de son grade ou emploi. Le simple volontaire, dans ce second cas, sera puni de six mois de prison.

Dans le cas d'une seconde récidive, le coupable sera puni de deux ans de fers.

II. Tout officier qui, devant marcher à l'ennemi, ne se sera pas rendu à son poste, sera destitué, puni de trois mois de prison, et déclaré incapable de remplir aucun grade dans les armées de la République.

Si c'est un sous-officier, il sera puni de deux mois de prison, cassé de son grade, et réduit à la paye de simple volontaire.

Si c'est un simple volontaire, il sera puni d'un mois de prison.

Enfin, si c'est un employé attaché au service de l'armée, il sera destitué de son emploi et puni d'un mois de prison.

La récidive de la part du sous-officier ou volontaire sera punie de deux ans de fers.

III. La révolte ou la désobéissance combinée envers les supérieurs emportera peine de mort contre ceux qui l'auront suscitée, et contre les officiers présens qui ne s'y seront point opposés par tous les moyens à leur disposition.

IV. La révolte, la sédition ou la désobéissance combinée de la part des habitans du pays ennemi occupé par les troupes de la République, sera punie de mort, soit que la désobéissance se soit manifestée contre les chefs militaires, soit que la révolte ou sédition ait été dirigée contre tout ou partie des troupes de la République.

Sera puni de la même peine, tout habitant du pays ennemi, convaincu d'avoir excité le mouvement de révolte, sédition ou désobéissance, quand même il n'y aurait pas autrement pris part, ou que ses efforts pour l'exciter auraient été sans succés.

V. En cas d'attroupement de la part des militaires ou autres individus attachés à l'armée et à sa suite, les supérieurs commanderont, au nom de la loi, que chacun se retire. Si le rassemblement n'est pas dissous par le commandement fait au nom de la loi, les supérieurs sont autorisés à employer tous les moyens de force qu'ils jugeront nécessaires pour le dissiper. Les auteurs dudit attroupement (au nombre desquels seront toujours compris les officiers et sous-officiers qui en feront partie), seront aussitôt saisis, traduits au conseil de guerre, et punis de mort.

VI. Toute troupe qui aura abandonné en masse et sans ordre supérieur le poste où elle était de service, sera déclarée en révolte. Dans ce ces, les officiers et sous-officiers, ou, à leur défaut, les six plus anciens de service faisant partie de la troupe, seront saisis, traduits au conseil de guerre, et punis

de dix ans de fers, à moins qu'ils ne déclarent les vrais auteurs du délit, sur lesquels seront alors dirigées les poursuites, et qui subiront la peine de mort, comme chefs de révolte.

VII. Tout militaire convaincu d'avoir, dans une affaire avec l'ennemi, jeté lâchement ses armes, sera puni de trois ans de fers.

VIII. Toute troupe qui, étant commandée pour marcher ou donner contre l'ennemi, ou pour tout autre service ordonné par le chef, aura refusé d'obéir, sera déclarée en révolte, et traitée conformément aux dispositions de l'Article VI ci-dessus.

IX. Tout militaire ou autre individu attaché à l'armée, qui, étant commandé pour marcher ou donner contre l'ennemi, ou pour tout autre service ordonné par le chef, en présence de l'ennemi et dans une affaire, aura formellement refusé d'obéir, sera puni de mort.

X. Tout militaire trouvé endormi en faction ou en vedette dans les postes les plus près de l'ennemi ou sur les fortifications d'une place assiégée ou investie, sera puni de deux ans de fers.

XI. Tout militaire qui, étant en faction ou en vedette dans les postes les plus près de l'ennemi ou sur les fortifications d'une place assiégée ou investie, sera convaincu de n'avoir point exécuté sa consigne, sera puni de deux ans de fers.

XII. Tout commandant d'un poste devant l'ennemi ou dans une place assiégée, qui sera convaincu d'avoir changé la consigne donnée, sans en avoir sur-le-champ rendu compte au commandant en chef, sera puni de six mois de prison.

XIII. Tout militaire convaincu d'avoir forcé ou violé la consigne générale donnée pour la troupe, soit au camp, soit au cantonnement, quartier, garnison ou caserne, sera puni de dix ans de fers.

XIV. Toute violation d'une consigne générale, commise par une troupe, sera poursuivie comme acte de désobéissance combinée; les chefs et instigateurs de ce délit, ainsi que les officiers qui y auraient pris part, seront punis de dix ans de fers.

Si la violation de la consigne a été faite à main armée par une troupe, il en sera usé à son égard conformément aux dispositions de l'Article VI du présent titre.

XV. Tout militaire convaincu d'avoir insulté ou menacé son supérieur, de propos ou de gestes, sera puni de cinq ans de fers; s'il s'est permis des voies de fait à l'égard du supérieur, il sera puni de mort.

XVI. Tout militaire qui, hors les cas de défense naturelle et ceux de ralliement des fuyards devant l'ennemi, ou de dépouillement des morts ou des blessés sur le champ de bataille, prévus par les articles V, VI et VII du titre V du présent code, sera convaincu d'avoir frappé son subordonné, sera destitué de son grade, puni d'un an de prison, et déclaré incapable d'occuper aucun grade dans les troupes de la République.

Si la mort s'est ensuivie des mauvais traitemens, le coupable sera puni de mort.

XVII. Lorsque, par une coupable négligence, la force armée aura laissé évader un prévenu de délit militaire, confié à sa garde, les officiers, sous-officiers, et les quatre volontaires plus anciens de service faisant partie de la force armée, seront poursuivis et punis de la même peine que le prévenu aurait dû subir, sans néanmoins que cette peine puisse excéder deux ans de fers. Si, dans le débat, le véritable auteur du délit est découvert, il en portera seul la peine, qui pourra être étendue à trois années de fers.

XVIII. Toute force armée qui se sera opposée, par quelque moyen que ce soit, à la traduction, poursuite et jugement ou exécution d'un coupable de délit militaire, sera réputée en révolte et traitée comme telle, conformément aux articles III, V et VI du présent titre.

XIX. Tout complice d'un délit subira la même peine que celui qui aura commis le délit.

XX. Dans tous les cas où, d'après les dispositions du présent code, la peine du délit emporte celle de destitution, cette dernière peine sera formellement prononcée par la sentence de condamnation.

XXI. Toute condamnation d'un militaire a la peine des fers emportera dégradation, aussitôt après la sentence rendue.

XXII. Tout délit militaire non prévu par le présent code sera puni conformément aux lois précédemment rendues.

XXIII. Tout général d'armée, tout commandant en chef de troupes, reste autorisé à faire tous les réglemens de simple discipline correctionnelle qu'il jugera nécessaires au maintien de l'ordre et de la subordination des militaires et autres individus au service des troupes soumis à son commandement.

XXIV. La présente résolution sera imprimée.

*Signé*, CAMBACÉRÉS, *président;* FABRE, T. BERLIER, MATHIEU, DUBOIS (des Vosges), *secrétaires.*

Après une seconde lecture, le Conseil des Anciens APPROUVE la résolution ci-dessus. Le 21 Brumaire, an V de la République française.

*Signé*, J. G. LACUÉE, *président;* LEPAIGE, VIENNET, KERVELEGAN, *secrétaires.*

Le Directoire exécutif ordonne que la loi ci-dessus sera publiée, exécutée, et qu'elle sera munie du sceau de la République. Fait au palais national du Directoire exécutif, le 22 Brumaire, an 5 de la République française, une et indivisible.

Pour expédition conforme *signé*, P. BARRAS, *président;* par le Directoire exécutif, *le secrétaire général*, LAGARDE; *et scellé du sceau de la République.*

Pour copie conforme;

*Le Ministre de la Guerre,*

CARNOT.

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No. 6.—*LOI additionnelle à celle du* 13 *Brumaire, an V., sur la Manière de procéder au Jugement des Delits Militaires.*

*Du* 4 *Fructidor, An. V. de la République Française.*

LE CONSEIL DES ANCIENS, adoptant les motifs de la déclaration d'urgence qui précède la résolution ci-après, approuve l'acte d'urgence.

*Suit la teneur de la Déclaration d'Urgence et de la Résolution du* 25 *Messidor:*

Le Conseil des Cinq-cents, considérant que la loi du 13 brumaire dernier, qui établit la manière de procéder au jugement des délits militaires, ne spécifie point quelle sera la composition du conseil de guerre dans le cas ou les officiers généraux, chefs de brigade, chefs de bataillon ou d'escadron, commissaires des guerres ordonnateurs ou ordinaires, seraient prévenus d'un délit prévu par le code pénal militaire;

Considérant qu'il est instant de prononcer sur le silence de la loi, afin de ne pas suspendre plus

Papers laid before the Commission by the French Officers.

long-temps le cours de la justice militaire à l'égard des officiers généraux, officiers supérieurs et commissaires des guerres,

Déclare qu'il y a urgence.

Le Conseil des Cinq-cents, aprés avoir déclaré l'urgence, prend la résolution suivante:

ART. I. Lorsqu'un général d'armèe sera prévenu d'un délit spécifié au code pénal militaire, le Directoire exécutif le fera traduire dans le delai de dix jours, par le ministre de la guerre, devant un conseil de guerre, pour y être jugé, suivant les formes prescrites par la loi du 13 brumaire dernier, portant établissement de conseils de guerre pour toutes les troupes de la République.

II. Le conseil de guerre, dans le cas prévu par l'article précédent, sera composé d'un général ayant commandé en chef les armées de la République, de trois généraux de division et de trois généraux de brigade, d'un commissaire du pouvoir exécutif, et d'un rapporteur: le plus ancien général de division présidera.

III. Les fonctions de commissaire du pouvoir exécutif seront remplies par un commissaire-ordonnateur: le rapporteur sera au choix du président, qui ne pourra le prendre que parmi les adjudans généraux ou les chefs de brigade.

IV. Aucun des membres du conseil de guerre, dans le cas prévu par l'article I, ne pourra être pris parmi les officiers généraux employés sous le commandement du prévenu.

V. Les officiers généraux qui, dans le cas prévu par l'article I, devront faire partie du conseil de guerre, ainsi que celui d'entre eux qui devra le présider, seront désignés par le ministre de la guerre, qui ne pourra les prendre qu'à tour de rôle, et par ordre d'ancienneté de grade, sur le tableau des officiers généraux employés dans l'armée et dans les divisions militaires de l'intérieur les plus à portée. Le commissaire du pouvoir exécutif sera nommé par le ministre de la guerre.

VI. Le ministre de la guerre sera tenu d'envoyer au plus ancien officier général employé dans l'armée ou dans les divisions militaires de l'intérieur d'où il aura tiré les membres du conseil, le tableau par ordre d'ancienneté de grade, des officiers généraux employés dans lesdites armées ou divisions, avec l'indication en marge de ceux qu'il aura désignés pour composer le conseil de guerre, ainsi que de celui qui devra le présider, et du lieu où ils devront s'assembler. En cas d'erreur ou omission dans la désignation des membres, l'officier général auquel l'état aura été envoyé, en préviendra le ministre, qui sera tenu de le rectifier aussitôt; il en préviendra également le président, qui surseoira la convocation du conseil jusqu'à ce que sa composition ait été faite conformément à la loi.

VII. Le ministre de la guerre indiquera dans l'armée ou dans l'une des divisions militaires de l'intérieur la plus à portée du prévenu (hors l'étendue de son commandement), le lieu qui présentera le plus de facilité pour la réunion des membres du conseil, afin que leur service ordinaire éprouve le moins d'interruption possible. Cette indication par le ministre sera notifiée à chacun des membres désignés, avec ordre de s'y rendre à jour fixe et dans le plus court délai.

VIII. Le plus ancien général de division désigné membre du conseil et devant le présider, fera choix aussitôt d'un rapporteur conformément à l'article III; il lui ordonnera de se rendre de suite au lieu indiqué pour la tenue du conseil, et, dans les vingt-quatre heures de son arrivée, de commencer l'information conformément à la loi du 13 brumaire dernier. L'information faite, le président convoquera le conseil pour procéder à l'instruction et au jugement.

IX. Le ministre de la guerre fera traduire à l'avance le prévenu au lieu indiqué pour la réunion des membres du conseil de guerre.

X. Lorsqu'un général de division ou un général de brigade sera prévenu d'un délit militaire, il sera traduit au conseil de guerre par ordre du général ou commandant en chef de l'armée. Dans ce cas, le lieutenant, le sous-lieutenant et le sous-officier qui, aux termes de la loi du 13 brumaire dernier, font partie du conseil de guerre permanent, seront remplacés par trois officiers généraux du grade du prévenu; ces trois officiers seront désignés par le général ou commandant en chef de l'armée, et pris à tour de rôle, par ancienneté de grade, dans toute l'armée ou dans tout le commandement (la division du prévenu exceptée). Le conseil de guerre sera présidé par le plus ancien officier général; les fonctions de rapporteur seront remplies par un chef de bataillon ou d'escadron.

XI. Aucun officier général prévenu d'un délit militaire ne pourra être traduit qu'au conseil de guerre de la division d'armée ou division militaire de l'intérieur, la plus à portée de celle à laquelle il est attaché.

XII. Lorsqu'un adjudant général, un chef de brigade, chef de bataillon ou d'escadron sera prévenu d'un délit militaire, il sera traduit, par ordre du général ou commandant en chef de la division à laquelle il est attaché, au conseil de guerre de la même division. Dans ce cas, le sous-lieutenant et le sous-officier qui, aux termes de la loi du 13 brumaire dernier, font partie du conseil de guerre permanent, seront remplacés par deux officiers supérieurs du grade du prévenu; ces officiers seront désignés par le général ou commandant en chef de la division, et pris à tour de rôle, par ancienneté de grade, dans toute la division. Le conseil sera présidé par le plus ancien chef de brigade.

XIII. Dans le cas où un commissaire-ordonnateur serait prévenu d'un délit prévu par le code pénal militaire, il sera traduit, par ordre du général ou commandant en chef de l'armée, au conseil de guerre le plus à portée; le lieutenant, le sous-lieutenant et le sous-officier faisant partie de ce conseil, seront remplacés par un commissaire-ordonnateur et deux commissaires ordinaires des guerres, lesquels seront désignés par le général ou commandant en chef de l'armée, et pris à tour de rôle, par ancienneté de grade pour le général de brigade, et par ancienneté de commission pour les commissaires des guerres. Le conseil sera présidé par le général de brigade.

XIV. Lorsqu'un commissaire ordinaire des guerres sera dans le cas de prévention d'un délit militaire, il sera traduit au conseil de guerre de la division à laquelle il est attaché, par le général ou commandant en chef de la même division. Dans ce cas, le lieutenant, le sous-lieutenant et le sous-officier seront remplacés par deux commissaires ordinaires de première classe et un de deuxième classe, qui seront désignés par le général ou commandant en chef de la division, et pris à tour de rôle, en suivant l'ordre d'ancienneté de commission. En cas d'insuffisance de commissaires des guerres dans sa division, le général ou commandant en chef demeure autorisé à y suppléer par des commissaires pris dans les divisions les plus à portée.

XV. Lorsqu'un officier général, un officier supérieur ou un commissaire des guerres prévenu d'un délit militaire, se trouvera dans l'intérieur de la République, et qu'il n'y aura pas de possibilité de réunir un nombre suffisant de grades correspondans pour composer le conseil de guerre ainsi qu'il est prescrit ci-dessus, le ministre de la guerre le fera traduire au conseil de guerre d'une division d'armée la plus à portée du prevénu: dans ce cas, le conseil de guerre sera convoqué par le général ou commandant de la division où sera traduit le prévenu; cet officier général ordonnera dans le conseil les remplacemens prescrits par la présente résolution, conformément au grade et à la qualité du prévenu.

XVI. Les dispositions de l'article VI. du titre I. de la loi du 13 brumaire dernier, sont applicables à tous les membres qui doivent composer le conseil de guerre, dans les cas prévus par la présente résolution.

XVII. Dans tous les cas prévus par la présente résolution, les prévenus seront poursuivis et jugés conformément aux dispositions de la loi du 13 brumaire dernier.

XVIII. La présente résolution sera imprimée.

*Signé*, HENRI LARIVIÈRE, *président;* VILLARET-JOYEUSE, AYME, DELAHAYE, *secrétaires.*

Après une seconde lecture, le Conseil des Anciens APPROUVE la résolution ci-dessus. Le 4 Fructidor, an V de la République française.

*Signé*, A. D. LAFFON, *président;* CHASSIRON, LIBOREL, LEBRETON, LEDANOIS, *secrétaires.*

Le directoire exécutif ordonne que la loi ci-dessus sera publiée, exécutée, et qu'elle sera munie du sceau de la République. Fait au palais national du directoire exécutif, le 5 Fructidor, an V de la République française, une et indivisible.

Pour expédition conforme, *signé*, CARNOT, *président;* par le directoire exécutif, *le secrétaire général*, LAGARDE; *et scellé du sceau de la République*

Certifié conforme:
*Le Ministre de la Justice,*
MERLIN.

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No. 7.—*LOI portant Établissement de Conseils permanens pour la Révision des Jugemens des Conseils de Guerre.*

*Du* 18 *Vendémiaire, An VI de la République française.*

LE Conseil des Anciens, adoptant les motifs de la déclaration d'urgence qui précède la résolution ci-àpres, approuve l'acte d'urgence.

*Suit la teneur de la Déclaration d'Urgence et de la Résolution du* 18 *Vendémiaire.*

Le Conseil des Cinq-cents, considérant que la loi du 13 brumaire dernier, portant établissement des conseils de guerre pour les troupes de la République, n'assure aux militaires prévenus aucune garantie contre la violation ou l'omission des formes, ni contre l'incompétence des conseils de guerre:

Considérant que cette garantie peut se concilier avec la célérité qu'il convient d'apporter dans l'exercice de la justicè criminelle militaire; qu'il est instant de faire participer les troupes au bienfait que la constitution accorde à tous les citoyens, autant que le régime militaire peut le comporter, et de la manière la plus analogue à la nature et à la composition de ces tribunaux,

Déclare qu'il y a urgence.

Le Conseil, après avoir déclaré l'urgence, prend la résolution suivante:

ART. I. Il sera établi pour toutes les troupes de la République, un conseil de révision permanent, dans chaque division d'armée, et dans chaque division de troupes employée dans l'intérieur.

II. Le conseil de révision sera composé de cinq membres; savoir:

D'un officier général, qui présidera;
D'un chef de brigade;
D'un chef de bataillon ou d'escadron;
De deux capitaines;
Et d'un greffier, qui sera toujours au choix du président.

Le rapporteur sera pris parmi les membres du conseil, et choisi par eux.

III. Il y aura près le conseil de révision un commissaire-ordonnateur, ou un commissaire ordinaire des guerres de la première classe, faisant les fonctions de commissaire du pouvoir exécutif.

IV. Les généraux d'armée, les généraux ou commandans en chef des divisions de troupes dans l'intérieur, nommeront, chacun dans leur commandement respectif, les membres du conseil de révision, ainsi que le commissaire-ordonnateur ou ordinaire des guerres chargé d'y remplir les fonctions de commissaire du pouvoir exécutif.

Ils demeurent également autorisés à pouvoir au remplacement momentané de ceux des membres du conseil qui se trouveraient empêchés par des motifs légitimes.

V. A défaut d'un nombre suffisant d'officiers admissibles au conseil de révision dans une division de troupes employée dans l'intérieur, le commandant en chef de cette division demeure autorisé à y suppléer par des officiers de grades correspondans, retirés chez eux par suite de réforme ou suppression, et ayant servi dans la guerre de la liberté. Dans aucun cas, le commandant en chef de la division qui a nommé les membres du conseil de guerre, ne sera admis au conseil de révision.

VI. Aucun militaire ne sera membre du conseil de révision, s'il n'est âgé de 30 ans accomplis, s'il n'a fait trois campagnes devant l'ennemi, ou s'il n'a six ans de service effectif dans les armées de terre ou de mer.

VII. Les dispositions des Articles VI, VII et VIII de la loi du 13 brumaire an 5, sont applicables aux membres du conseil de révision.

VIII. Nul ne pourra participer à la révision du jugement d'un conseil de guerre auquel son parent ou allié au degré prohibé par l'Article 207 de la constitution aura siégé comme juge; dans ce cas, il sera momentanément remplacé ainsi qu'il est prescrit par l'Article IV ci-dessus.

IX. Le conseil de révision sera toujours convoqué par le président, et dans le local qu'il désignera.

X. Les séances du conseil de révision seront publiques; mais le nombre des spectateurs ne pourra excéder le triple de celui des juges: ils s'y tiendront chapeau bas et en silence; et si quelqu'un d'eux s'écartait du respect dû au conseil, le président pourra le reprendre, et le condamner à garder prison jusqu'au terme de quinze jours, suivant la gravité du fait.

XI. Le conseil est chargé de réviser (sur la demande du commissaire du directoire exécutif, ou celle des parties, par elles ou leurs défenseurs), les jugemens rendus par les conseils de guerre établis par la loi du 13 brumaire, et ceux rendus par les conseils militaires depuis le 17 germinal An 4, qui n'auraient pas été soumis à la révision.

XII. En cas qu'il n'existe pas de pourvoi de la part des parties, le commissaire du pouvoir exécutif pourra se pourvoir d'office; cependant, en cas d'acquittement des prévenus, il n'aura que 24 heures de délai pour notifier son pourvoi au greffier du conseil de guerre.

XIII. Dans les 24 heures de la notification du pourvoi, le conseil de guerre enverra les pièces de la

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procédure, avec copie de son jugement, au président du conseil de révision, qui sera tenu de convoquer aussitôt les membres de ce conseil.

XIV. Le conseil de révision une fois assemblé pour prononcer sur la validité d'un jugement, ne pourra désemparer avant d'avoir donné sa décision.

XV. Les défenseurs des parties seront admis au conseil, s'ils s'y présentent : ils pourront, après le rapport, faire toutes observations pertinentes ; ensuite le commissaire du pouvoir exécutif fera ses réquisitions, auxquelles les défenseurs seront admis à faire des observations, s'ils le croient nécessaire, et le conseil procédera au jugement.

XVI. Le conseil de révision prononce à la majorité des voix l'annullation des jugemens, dans les cas suivans ; savoir :

1. Lorsque le conseil de guerre n'a point été formé de la manière prescrite par la loi ;

2. Lorsqu'il a outre-passé sa compétence, soit à l'égard des prévenus, soit à l'égard des délits dont la loi lui attribue la connaissance ;

3. Lorsqu'il s'est déclaré incompétent pour juger un prévenu soumis à sa jurisdiction ;

4. Lorsqu'une des formes prescrites par la loi n'a point été observée, soit dans l'information, soit dans l'instruction ;

5. Enfin, lorsque le jugement n'est pas conforme à la loi dans l'application de la peine.

XVII. Le conseil de révision ne peut connaître du fond de l'affaire ; mais il est tenu d'annuller le jugement lorsqu'il est attaqué d'un des vices spécifiés en l'article précédent.

XVIII. Si la nullité du jugement résulte du défaut de compétence, le conseil de révision renvoie le fond du procès au tribunal qui doit en connaître : dans tout autre cas, il le renvoie au conseil de guerre spécialement établi dans chaque division, ainsi qu'il est dit ci-après, pour qu'il y soit procédé à une nouvelle information et instruction.

XIX. Il sera établi, conformément à la loi du 13 brumaire an 5, dans chaque division d'armée, et dans chaque division de troupes dans l'intérieur, un second conseil de guerre permanent, pour connaître et juger tous les délits militaires, en cas d'annullation des jugemens par le conseil de révision de la division.

XX. Les lois des 13 brumaire et 4 fructidor an 5, sont communes à ces conseils de guerre ; l'article V de la présente leur est pareillement applicable.

XXI. Dans aucun cas, les membres des conseils de guerre établis par la loi du 13 brumaire, ne pourront se réunir, pour l'instruction de la procédure, avec ceux établis par la présente.

XXII. En cas de confirmation du jugement, le conseil de révision renvoie les pièces du procès, avec copie de sa décision, signée de tous ses membres, au conseil de guerre dont le jugement est confirmé, lequel est tenu d'en poursuivre l'exécution dans les délais et aux termes de la loi du 13 brumaire.

En cas d'annullation, l'envoi des pièces du procès et de la décision du conseil, se fait, dans les vingt-quatre heures, au tribunal indiqué par l'article XIX. ci-dessus. L'envoi de la décision seulement, se fait tant au ministre de la guerre qu'au conseil de guerre dont le jugement est annullé.

La transmission des pièces et de la décision du conseil se fait par le rapporteur, auquel il doit être donné acte de la remise, pour sa décharge.

XXIII. Lorsqu'après une annullation le second jugement sur le fond est attaqué par les mêmes moyens que le premier, la question ne peut plus être agitée au conseil de révision ; elle est soumise au corps législatif, qui porte une loi à laquelle le conseil de révision est tenu de se conformer.

XXIV. Aucune décision ne sera prise par le conseil de révision, sans qu'au préalable le président n'ait fait apporter et déposer sur le bureau un exemplaire tant de la loi du 13 brumaire an 5, que de celle qui statue sur la composition des conseils de guerre pour le jugement des officiers généraux et autres, et de la présente. Le registre des séances constatera cette formalité indispensable ; et il en sera fait mention sur les copies de la décision du conseil, à transmettre soit au conseil de guerre, soit à un autre tribunal.

XXV. La décision du conseil de révision sera motivée.

XXVI. Le directoire exécutif est chargé d'envoyer aux conseils de guerre et de révision, des modèles de jugemens et de decisions, conformes aux dispositions de la loi du 13 brumaire et de la présente.

XXVII. La présente résolution sera imprimée.

*Signé*, JOURDAN (de la Haute-Vienne), *président :*
PISON-DU-GALAND, J. P. CHAZAL, GRELIER, *secrétaires.*

Après une seconde lecture, le Conseil des Anciens APPROUVE la résolution ci-dessus. Le 18 Vendémiaire, an 6 de la République française.

*Signé*, CRETET, *président ;*
PERE, DEDELAY, BALIVET, G. F. DENTZEL, *secrétaires.*

Le directoire exécutif ordonne que la loi ci-dessus sera publiée, exécutée, et qu'elle sera munie du sceau de la République. Fait au palais national du directoire exécutif, le 19 Vendémiaire, an 6 de la République française, une et indivisible.

Pour expédition conforme, *signé*, L. M. REVELLIERE-LEPEAUX, *président ;* par le Directoire exécutif, *le secrétaire général*, LAGARDE ; *et scellé du sceau de la République.*

Certifié conforme :
*Le Ministre de la Justice,*
LAMBRECHTS.

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No. 8.—*LOI relative aux Attributions des Conseils de Guerre et de Révision.*

*Du 27 Fructidor, An VI de la République française.*

LE Conseil des Anciens, adoptant les motifs de la déclaration d'urgence qui précède la résolution ci-après, approuve l'acte d'urgence.

*Suit la teneur de la Déclaration d'Urgence et de la Résolution du 9 Fructidor :*

Le Conseil des Cinq-cents, considérant que le bon ordre et la discipline des armées exigent la plus grande célérité dans l'exercice de la justice militaire,

Déclare qu'il y a urgence.

Après avoir déclaré l'urgence, le conseil prend la résolution suivante :

Art. I. Les conseils de guerre établis par l'art. 19 de la loi du 18 Vendémiaire, an 6, connaîtront, concurremment avec ceux créés par la loi du 13 Brumaire an 5, de tous les délits militaires.

II. En cas d'annullation d'un premier jugement, le conseil de révision fait, conformément à l'article 22 de la loi du 18 Vendémiaire, l'envoi des pièces et de sa décision au conseil de guerre de la même division qui n'a pas connu de l'affaire.

III. Si, d'après l'exposé du capitaine-rapporteur près chaque conseil de guerre, sur la quantité et la nature des affaires dont il est chargé, il est jugé nécessaire de lui adjoindre provisoirement un ou plusieurs substituts pour accélérer la marche de la justice, le président du conseil en fait la demande au commandant en chef de la division, qui nomme ces substituts.

Les substituts sont pris dans le grade de capitaine ou dans celui de lieutenant.

La durée des fonctions de substitut ne peut excéder trois mois ; après ce délai, ils peuvent être continués ou remplacés au besoin, sur la demande du président du conseil de guerre.

IV. Pareillement, s'il est jugé nécessaire d'adjoindre au greffier près chaque conseil de guerre un ou plusieurs commis, le capitaine-rapporteur les nomme.

La durée de leurs fonctions est la même que celle des substituts du rapporteur.

V. Le conseil de révision distribue entre ses membres, le président excepté, les rapports à faire sur les jugemens soumis à la révision.

VI. Le chef de l'état-major d'une division ne peut être membre des conseils de guerre ni du conseil de révision.

VII. Toutes dispositions de loi contraires à la présente sont abrogées.

VIII. La présente résolution sera imprimée.

Signé Daunou, *Président ;* L. Bonaparte, Genissieu, Thiessé, *Secrétaires.*

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No. 9. *ARRÊTÉ concernant les Dépôts de Conscrits déclarés réfractaires, la Composition et la Compétence des Conseils de Guerre spéciaux, la Procédure devant ces Conseils et les Peines contre la Désertion.*

*Saint-Cloud, le* 19 *Vendémiaire, an* 12 *de la République.*

Le gouvernement de la république, sur le rapport du ministre de la guerre ; le conseil d'éta entendu.

*Arrête ;*

TITRE PREMIER.—*Des Dépôts de Conscrits qui, n'ayant pas rejoint leurs Corps, auront été déclarés Conscrits réfractaires en exécution de la loi du* 6 *Floréal an* 11.

Art. I. En exécution de l'article 10 de la loi du 6 Floréal an 11, il sera établi onze dépôts militaires pour les conscrits qui, en vertu de ladite loi, auront été condamnés comme réfractaires.

II. Ces dépôts seront établis dans les places ci-après désignées :

La citadelle de Lille, pour les conscrits de la 1, de la 16, et de la 24 division.
La citadelle de Givet, Charlemont, pour les 2 et 25 divisions ;
La place de Luxembourg, pour la 3 et la 4 ;
La citadelle de Strasbourg, pour la 5 et la 26 ;
La citadelle de Besançon, pour les 6, 18, et 19 ;
La place de Briançon, pour les 7, 8, 9, et 23 ;
La citadelle de Perpignan, pour la 10 ;
La citadelle de Baionne, pour les 11 et 20 ;
La place de Saint-Martin-de-Ré, pour les 12, 13, 21, et 22 ;
Le château de Caen, pour les 14 et 15.
La citadelle d'Alexandrie, pour la 27.

III. Les conscrits qui seront conduits dans lesdites places seront divisés en compagnies, composées de cent soixante hommes, officiers et sergens non compris.

Chacune de ces compagnies sera commandée par les officiers et les sous-officiers, ci-après désignés ; savoir :

1 Capitaine,
1 Lieutenant,
2 Sous-lieutenans,
1 Sergent-major,
1 Fourrier,
8 Sergens.

Ces officiers et sous-officiers seront fournis, pour chaque compagnie, par un des corps d'infanterie stationnés dans l'une des divisions formant l'arrondissement du dépôt, au choix du général commandant la division où le dépôt sera établi.

Ces officiers et sous-officiers jouiront d'un supplément de traitement égal au tiers de leur solde.

IV. Les conscrits de chaque compagnie seront divisés en seize escouades ; à la tête de chacune d'elles sera placé un caporal pris dans son sein, au choix du commandant de la place, sur la présentation de trois sujets faite par le commandant de la compagnie.

V. Ces conscrits recevront le pain comme les autres troupes ; ils recevront la même solde, sauf les deniers de poche, qui seront mis en masse, et tenus à la disposition du général commandant la division, pour être employés comme il sera dit ci-après.

VI. Ils seront logés dans une caserne particulière, et n'auront que des demi-fournitures.

VII. Ils seront constamment consignés dans leurs casernes, n'en sortiront qu'en troupes pour les corvées, les exercices et les travaux : lorsqu'ils auront obtenu la permission de sortir individuellement, ils seront toujours accompagnés par un sous-officier.

VIII. La garnison fournira toutes les gardes, les plantons, rondes et patrouilles nécessaires pour la police et la sûreté du dépôt : il sera fourni, de plus, par les dépôts de gendarmerie des départemens formant chaque arrondissement, le nombre de brigades nécessaire pour prévenir l'évasion des conscrits réfractaires.

IX. Les dépôts de conscrits ne se trouveront jamais aux exercices et manœuvres de la garnison, ne feront point le service avec elle.

X. Leurs vêtemens auront la forme et les couleurs affectées à l'infanterie, mais sans paremens, collet ni revers distinctifs.

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Leur unique coiffure sera un bonnet de police: leurs cheveux seront constamment tenus extrêmement courts. Ils auront des fusils sans baïonnette.

XI. Les conscrits seront, pour les fautes légères, condamnés, par leurs officiers et sergens, aux mêmes punitions de discipline que le reste des troupes; mais la durée en sera toujours augmentée.

Pour les fortes graves, ils seront déférés à un conseil composé du commandant de la place, du capitaine et du lieutenant de la compagnie. Ce conseil prononcera les punitions qu'il jugera les plus propres à réprimer les coupables, le tout d'après l'instruction qui sera rédigée par le ministre de la guerre.

Pour les délits, ils seront déférés aux conseils de guerre institués par la loi du 13 Brumaire an 5; et pour la désertion, ils seront traduits à un conseil de guerre spécial, formé dans la place du dépôt, et organisé ainsi qu'il sera dit ci-après.

XII. Il ne sera formé une seconde compagnie dans chaque dépôt, que du moment où la 1 sera complétée.

Lorsqu'il y aura deux compagnies formées, le commandement du dépôt appartiendra au capitaine de la première compagnie formée.

XIII. Le général commandant la division aura la faculté de faire relever, aussi souvent qu'il le jugera convenable, tout ou partie des officiers et sous-officiers attachés au dépôt. Ils seront relevés de droit, lorsque le corps dont ils feront partie sortira des divisions formant l'arrondissement du dépôt.

XIV. Les conscrits seront occupés chaque jour, ou à leur instruction militaire, ou à des corvées dans les arsenaux, ou à la réparation des fortifications de la place, ou à d'autres travaux qui seront ouverts à cet effet. Ils ne recevront pour ces travaux ni solde ni traitement; mais on tiendra note de ceux qui montreront le plus de zèle pour s'instruire et d'activité dans les travaux. Ces notes seront, lors de la revue, remises à l'inspecteur du dépôt.

XV. Chaque dépôt sera inspecté, une fois chaque trimestre, par un officier supérieur ou général délégué à cet effet par le général commandant la division.

Cet officier prendra des notes sur l'instruction, la tenue et la conduite de chaque conscrit, et les adressera au général divisionnaire.

Le général commandant la division inspectera lui-même, deux fois par an, chaque compagnie; et d'après les comptes qu'il recevra des capitaines, et les renseignemens qui lui auront été transmis par les inspecteurs qu'il aura nommés, il désignera ceux d'entre les conscrits réfractaires qui lui paraîtront dignes d'être incorporés dans l'Armée. Ceux que, d'après son rapport, le ministre de la guerre aura jugés tels, seront conduits par des officiers et sous-officiers de la compagnie du dépôt, au corps de troupes, à pied ou à cheval que le général divisionnaire déterminera, d'après les instructions du ministre de la guerre.

Le général divisionnaire pourra accorder des gratifications à ceux des conscrits réfractaires qui auront rempli, avec le plus d'intelligence et de fermeté, les fonctions de caporal, ou qui se seront fait distinguer par leur instruction et leur activité dans les travaux. Ces gratifications seront prises sur la masse des deniers de poche.

## TITRE II.—*Composition et Compétence des Conseils de Guerre spéciaux.*

XVI. Tout sous-officier et soldat accusé de désertion, et tout conscrit condamné comme réfractaire, qui, après avoir été traduit au dépôt, sera accusé de désertion, sera jugé par un conseil de guerre spécial.

XVII. Le conseil de guerre spécial sera composé de sept membres; savoir:

Un officier supérieur,
Quatre capitaines,
Deux lieutenans.

Un officier d'état-major, ou de gendarmerie, ou de la garnison, ayant au moins le grade de lieutenant, fera les fonctions de rapporteur, et de commissaire du gouvernement; et un sous-officier, à son choix, celles de greffier.

XVIII. Les membres du conseil de guerre et le rapporteur seront nommés par le commandant d'armes ou du lieu: et à l'Armée, par le général de brigade sous les ordres duquel sera le corps de l'accusé.

XIX. Les membres du conseil de guerre seront pris dans les différens corps de la garnison; et à l'Armée, dans les différens corps sous les ordres d'un même général de brigade. Ils seront commandés à tour de rôle et à l'ordre par ledit commandant d'armes ou général de brigade, le veille du jour où le conseil devra se réunir.

S'il n'y avait dans la place, ou sous les ordres du général de brigade, que le corps de l'accusé, les membres du conseil de guerre spécial seraient tous pris dans ce corps; et s'il n'y en avait pas assez pour former ledit conseil, il en serait appelé un nombre suffisant de la garnison ou de la troupe la plus voisine.

XX. A moins de maladie bien constatée ou autre empêchement légitime, nul officier ne pourra refuser de remplir les functions auxquelles il aura été appelé près le conseil de guerre spécial, sous peine de destitution.

XXI. Le conseil de guerre spécial ne connaîtra que du crime de désertion, et des circonstances aggravantes ci-après exprimées.

XXII. Tout conseil de guerre spécial sera dissous dès qu'il aura prononcé sur le délit pour le jugement duquel il aura été convoqué.

Aucun des membres qui l'auront composé, ne pourra être appelé de nouveau à un conseil de guerre spécial qu'à son tour de rôle.

Le même officier ne pourra remplir les fonctions de rapporteur dans deux affaires consécutives.

## TITRE III.—*Procédure devant le Conseil de Guerre spécial.*

XXIII. Tout chef de corps ou de détachement militaire dont un sous-officier ou soldat aura abandonné ou n'aura pas rejoint ses drapeaux, devra, sous peine de quinze jours d'arrêts forcés, et de plus forte peine, s'il y a lieu, porter plainte contre ledit sous-officier ou soldat, dans les vingt-quatre heures qui suivront l'époque où, en exécution du titre IX du présent arrêté, il devra être réputé déserteur.

Cette plainte sera portée, dans l'intérieur de la république, au commandant d'armes ou du lieu; et à l'Armée, au général de brigade sous les ordres duquel sera le corps ou le détachement.

Copie de ladite plainte sera inscrite sur les registres des delibérations du conseil d'administration,

dans les vingt-quatre heures où elle aura été portée : le chef du corps sera tenu d'annexer au registre le récépissé de la plainte, qui lui sera donné par le commandant d'armes ou général de brigade.

XXIV. Les nom, prénom, lieu de naissance, domicile au moment où il est entré au service, âge, grade, signalement de l'accusé, le corps dont il fait partie, et le jour de sa désertion, seront expressément mentionnés dans la plainte. Les témoins y seront également désignés.

XXV. Le commandant d'armes ou du lieu, ou le général de brigade, suivant les cas ci-dessus exprimés, mettra au bas de la plainte : *Soit informé ainsi qu'il est requis.*

S'il croit devoir se refuser à donner cette autorisation, il mettre au bas de la plainte, *Il n'y a point lieu à informer ;* il signera sa décision, et dans les vingt-quatre heures il en fera connaître les motifs au ministre, qui prononcera sans délai.

XXVI. S'il autorise l'information, le rapporteur qu'il aura nommé au bas de la plainte, s'occupera de suite à instruire le procès, de manière qu'en trois jours l'affaire soit jugée contradictoirement ou par contumace.

XXVII. Le rapporteur entendra de suite les témoins, interrogera le prévenu (s'il est arrêté) ; et s'il y a des preuves matérielles du délit, il les constatera.

XXVIII. Le témoin sera cité par une cédule, signée du rapporteur ; elle lui sera remise par une ordonnance.

XXIX. Les déclarations des témoins seront reçues à la suite les unes des autres, sur un seul cahier.

XXX. Chaque déclaration sera signée du témoin, du rapporteur et du greffier. Si le témoin ne sait ou ne veut signer, il en sera fait mention.

XXXI. Le rapporteur interrogera le prévenu sur ses nom, prénom, âge, lieu de naissance, domicile au moment de son entrée au service, sur le délit et sur ses circonstances.

XXXII. Il lui représentera, s'il y en a, les preuves matérielles du délit, pour qu'il déclare s'il les reconnaît.

XXXIII. S'il y a plusieurs prévenus dans une même affaire, le rapporteur les interrogera séparément. Chaque interrogatoire, rédigé sur un cahier séparé, sera clos par la signature de l'accusé, du rapporteur et du greffier. Si l'accusé ne sait ou ne veut signer, il en sera fait mention.

XXXIV. L'information étant terminée, le conseil de guerre sera assemblé.

Si le conseil ne trouve pas que l'instruction soit complète, il ordonnera un plus amplement informé, qui ne pourra être prolongé au-delà de deux fois vingt-quatre heures.

Si, outre le crime de désertion, le conseil trouve que l'accusé en a commis un plus sévèrement puni par les lois, il renverra l'accusé, la procédure et les pièces du procès, pardevant le tribunal compétent, et il en rendra compte au ministre.

Si au contraire le conseil trouve que l'accusé n'a pas commis le crime de désertion, mais un délit moins grave, après l'avoir acquitté du crime de désertion, il le renverra, pour être puni, au tribunal ou chef militaire compétent.

Tout tribunal auquel un conseil de guerre spécial aura renvoyé un accusé de désertion comme en même temps accusé d'un crime plus sévèrement puni par les lois, renverra l'accusé après son jugement, s'il n'est pas condamné à une peine plus grave que celles portées contre la désertion, au conseil de guerre spécial, pour prononcer sur le crime de désertion, dont la connaissance lui est expressément et privativement attribuée.

Il en sera usé de même par tout tribunal qui devra prononcer sur un individu accusé de désertion.

XXXV. Hormis dans le cas prévu dans le paragraphe 2 de l'article 34, le conseil de guerre, une fois assemblé, ne pourra désemparer avant d'avoir jugé le procès pour lequel il aura été convoqué. Il entendra la lecture de l'information, celle des pièces, du procès, s'il y en a, l'interrogatoire de l'accusé, fera ensuite introduire dans la salle de la séance l'accusé, entendra les témoins, les conclusions du rapporteur, et enfin l'accusé.

XXXVI. Le président, au nom et de l'avis du conseil de guerre spécial, posera toutes les questions qui résultent de la plainte. Elles seront posées de la manière suivante :

" N .... est-il convaincu de s'être rendu coupable de crime de désertion ? "

" N .... est-il déserté à l'intérieur ? "

" N .... &c."

Les questions relatives aux circonstances de la désertion seront présentées chacune séparément, sans qu'il soit nécessaire de commencer par les plus aggravantes.

XXXVII. Les questions étant définitivement posées en public, et en présence de l'accusé, celui-ci sera reconduit en prison. Le président se retirera ensuite avec les autres membres du conseil de guerre spécial, dans la salle voisine, ou bien il fera sortir les spectateurs ; et les membres du conseil de guerre délibéreront à huis clos, en présence seulement du rapporteur.

XXXVIII. Le président recueillera les voix en commençant par le grade inférieur, et par le moins ancien dans chaque grade : il émettra son opinion le dernier. Chacun des juges émettra son opinion par écrit, et la signera.

XXXIX. Si l'accusé est acquitté, il sera renvoyé à son corps, pour y reprendre son service.

S'il est déclaré déserteur, le conseil le condamnera aux peines portées contre les coupables de ce crime.

XL. Le jugement sera rendu à la majorité absolue des voix, et inscrit sur un registre à ce destiné et appartenant au corps du prévenu. L'information et les autres pièces du procès seront transcrites sur le même registre, et y seront annexées. L'énoncé du jugement rappellera les nom, prénom, lieu de naissance, domicile, âge, grade et signalement de l'accusé.

XLI. Il est expressément défendu au conseil de guerre spécial, sous peine de forfaiture, de commuer ni de diminuer les peines ci-après portées contre les déserteurs.

XLII. Les jugemens des conseils de guerre spéciaux ne seront sujets ni à appel, ni à cassation, ni à révision : ils seront exécutés à la diligence du rapporteur, et, en ce qui concerne l'amende, à celle de l'administration des domaines et de l'enregistrement, ainsi qu'il sera dit ci-après.

XLIII. Les conseils de guerre spéciaux tiendront leurs séances chez le commandant d'arme de la place, qui sera tenu de chauffer et éclairer le lieu de la séance, sans qu'il puisse pour cela réclamer aucune somme ni dédommagement.

Dans les lieux où il n'y aura pas de commandant d'armes en titre, la séance se tiendra à l'hôtel de la mairie, et aux frais de la commune ;

A l'armée, sous une tente qui sera dressée à cet effet.

Papers laid before the Commission by the French Officers.

TITRE IV.—*Des Peines contre la Désertion.*

XLIV. Les peines de la désertion seront, suivant les circonstances du délit,
1. La mort ;
2. Le boulet ;
3. Les travaux publics ;
4. L'amende dans tous les cas.

TITRE V.—*De la Peine de Mort.*

XLV. Les déserteurs condamnés à la mort continueront à être passés par les armes.
L'amende à laquelle ils seront condamnés sera recouvrée ainsi qu'il sera dit titre VIII.

TITRE VI.—*De la Peine du Boulet.*

XLVI. Les condamnés à la peine du boulet seront employés, dans les grandes places de guerre, à des travaux spéciaux.

Ils traîneront un boulet de huit, attaché à une chaîne de fer de deux mètres et demi de longueur.

Ils travailleront huit heures par jour, depuis le 1 Brumaire jusqu'au 1 Germinal, et dix heures pendant le reste de l'année. Leurs ateliers seront toujours isolés de tous autres ateliers.

Ils porteront un vêtement particulier, dont la forme et les couleurs différeront absolument de la forme et des couleurs affectées à l'Armée : ils n'auront que des sabots pour chaussure.

Ils ne pourront ni couper ni raser leur barbe : leurs cheveux et leurs moustaches seront rasés tous les huit jours.

Hors le temps des travaux, ils seront détenus et enchaînés dans des prisons particulières destinées à cet effet.

XLVII. Le ministre de la guerre déterminera le nombre de places dans lesquelles il y aura des condamnés au boulet ; celui des condamnés au boulet qui seront dans chaque place ; les travaux auxquels ils seront employés ; l'étoffe, la forme et la couleur de leurs vêtemens ; leur régime, police et discipline en santé et en maladie, dans leurs prisons et pendant leurs travaux : il déterminera enfin le nombre, l'espèce et la solde de leurs surveillans, et la manière de prévenir leur évasion.

Il sera successivement désigné au moins dix places de guerre dans lesquelles des condamnés au boulet seront détenus.

XLVIII. Les journées des condamnés au boulet leur seront payées moitié moins que celles des journaliers ordinaires du pays.

Un tiers des sommes que chaque condamné au boulet aura gagnées lui sera remis pour être employé à améliorer sa nourriture ; un tiers lui sera remis au moment où il sera mis en liberté ; le dernier tiers restera à la disposition du ministre de la guerre, pour subvenir à une partie des dépenses des condamnés au boulet.

XLIX. Il sera passé chaque année une revue des condamnés au boulet, par un inspecteur délégué à cet effet par le ministre de la guerre. Cet inspecteur, après avoir recueilli tous les renseignemens relatifs à la subordination, à la conduite et à l'activité dans les travaux de chacun des condamnés au boulet, désignera, dans son rapport au ministre de la guerre, ceux qui lui paraitront avoir des titres à l'indulgence du gouvernement. Le ministre fera son rapport au premier consul, qui prononcera.

L. Il est expressément défendu à qui que ce soit, de procurer aux condamnés au boulet d'autres vêtemens que ceux qui leur seront assignés, de leur en laisser porter d'autres, de leur couper ou faciliter les moyens de couper leur barbe, d'exciter ou favoriser leur évasion de toute autre manière.

Sera réputé fauteur de désertion, et, comme tel, puni par voie de police correctionnelle, des peines portées par la loi du 24 Brumaire an 6, tout individu convaincu de leur avoir procuré ou laissé porter d'autres vêtemens que ceux qui leur seront assignés, de leur avoir fourni ou facilité les moyens de couper ou raser leur barbe, ou d'avoir de toute autre manière excité ou favorisé leur évasion.

Tout individu qui aura arrêté un condamné au boulet qui s'évadera, recevra une gratification de cent francs.

La peine de tout condamné au boulet qui révélera un complot d'évasion formé par un ou plusieurs desdits condamnés, sera commuée en celle des travaux publics.

Tout condamné au boulet qui s'évadera, sera condamné par la commission qui sera désignée ci-après, soit à une détention double de celle qu'il devait subir, soit à traîner deux boulets pendant tout le temps de sa détention.

LI. Les peines de discipline et police seront prononcées, contre les condamnés au boulet, par le commandant de la place, d'après une instruction dressée à cet effet par le ministre de la guerre.

Pour les délits graves qu'ils pourront commettre, ils seront déférés à une commission militaire composée du commandant de la place et des quatre officiers supérieurs les plus anciens du grade le plus élevé dans la garnison. Le commandant de la gendarmerie, dans ladite place, fera, près de cette commission, les fonctions de rapporteur. Cette commission les condamnera, suivant la nature et la gravité du délit, soit à la mort, soit à une plus longue détention, soit au double boulet pendant un temps déterminé. Le jugement de la commission ne pourra être exécuté qu'avec l'approbation du général commandant la division.

Toutes les fois qu'un condamné au boulet aura été condamné par la commission ci-dessus, soit au double boulet, soit à une plus longue détention, il lui sera fait, par son jugement, défense, sous peine de deux ans de fers, de fixer sa résidence, lorsqu'il aura été mis en liberté, à moins de vingt lieues de la ville où siége le gouvernement. Cette peine lui sera infligée par le conseil de guerre devant lequel il sera traduit.

TITRE VII.—*De la Peine des Travaux Publics.*

LII. Les déserteurs condamnés aux travaux publics seront employés soit à des travaux militaires, soit à des travaux civils.

Ils ne porteront ni chaîne ni fers, que lorsqu'ils y auront été momentanément condamnés par mesure de police ou discipline.

Ils travailleront le même nombre d'heures que les ouvriers du pays.

Leurs vêtemens pourront conserver quelque chose des formes militaires, mais différeront des couleurs affectées à l'Armée et de celles qui le seront aux condamnés au boulet : ils porteront des souliers.

Ils ne pourront ni couper ni raser leur barbe ; ils conserveront leurs moustaches ; leurs cheveux seront rasés tous les huit jours.

Papers laid before the Commission by the French Officers.

Ils seront ou logés dans des casernes particulières, qui n'auront aucune communication avec celles de la garnison, ou bien campés ou baraqués proche de leurs travaux.

Dans leurs casernes, ils auront des demi-fournitures; dans leurs tentes ou baraques, les effets ordinaires de campement.

Ils recevront le pain militaire, et une ration de riz ou légumes secs.

LIII. Chaque atelier sera composé de soixante-douze hommes, et sera divisé en six sections.

Il y aura pour chaque atelier une garde de police et de sûreté, composée de sous-officiers et gendarmes pris dans les dépôts de ce corps.

La force en sera réglée par le ministre de la guerre.

Ces sous-officiers et gendarmes recevront une augmentation de traitement d'un quart en sus.

Chaque section sera commandée par un chef de section pris parmi les condamnés.

Le chef de section aura un traitement particulier de dix centimes par jour.

Il ne sera formé un second atelier que lorsque le premier sera complet. Lorsqu'il y aura plusieurs ateliers formés, on n'en formera de nouveaux qu'après avoir completé les premiers.

Le ministre de la guerre et le ministre de l'intérieur se concerteront à l'effet de procurer sans cesse du travail aux ateliers; mais on ne mettra jamais plus de quatre ateliers les uns à portée des autres.

Le ministre de la guerre déterminera la forme et la couleur des vêtemens des condamnés aux travaux, leur régime, police et discipline, tant en santé qu'en maladie, dans leurs camps ou casernes, et pendant leurs travaux, et donnera tous les ordres nécessaires pour prévenir leur évasion.

Les journées des déserteurs condamnés aux travaux seront payées un quart moins que celles des journaliers ordinaires du pays.

Le prix de ces travaux sera réparti ainsi qu'il est dit article 48.

Il sera passé, tous les six mois, une revue de chaque atelier par un inspecteur délégué à cet effet par le ministre de la guerre. Cet inspecteur désignera dans son rapport au ministre, ceux des condamnés qui lui paraîtront dignes par leur conduite, leur subordination, leur activité aux travaux, d'obtenir leur grâce. Le ministre fera son rapport au premier consul, qui prononcera.

LIV. Les § 1 et 2 de l'article 50, relatifs aux fauteurs de désertion des condamnés au boulet, sont déclarés communs aux fauteurs de désertion des condamnés aux travaux publics.

Tout individu qui arrêtera un condamné aux travaux qui s'évadera, recevra une gratification de cent francs.

Tout condamné aux travaux qui révélera un complot d'évasion formé par un ou plusieurs condamnés aux travaux, recevra sa grâce.

LV. Les peines de discipline et police seront prononcées contre les condamnés aux travaux, par le maréchal-des-logis de gendarmerie chargé de la surveillance de l'atelier; et ce, d'après une instruction rédigée à cet effet par le ministre de la guerre.

Pour les délits graves, ils seront traduits devant une commission militaire composée ainsi qu'il est dit article 51. Cette commission les condamnera, suivant la nature et la gravité du délit, soit à la mort, soit à la peine du boulet pendant un temps qui ne pourra excéder dix ans, soit à une prolongation à la peine des travaux publics. Le jugement de la commission ne pourra être exécuté qu'avec l'approbation du général commandant la division.

## TITRE VIII.—*De la Peine de l'Amende.*

LVI. Conformément à la loi du 17 Ventôse an 8, tout déserteur sera condamné à une amende de quinze cents francs.

LVII. Dans la huitaine qui suivra la condamnation d'un déserteur, le commandant du corps enverra au ministre deux copies du jugement. Ces copies seront certifiées conformes à l'original par le commandant d'armes ou du lieu, ou par le général de brigade qui aura assemblé le conseil de guerre.

LVIII. Le ministre de la guerre légalisera l'une de ces copies, et l'enverra au directeur général de l'administration de l'enregistrement et des domaines, pour faire poursuivre le paiement de l'amende, par les voies prescrites par la loi du 17 Ventôse an 8.

Le ministre de la guerre adressera, chaque mois, au ministre du trésor public, un état nominatif de tous les déserteurs condamnés à l'amende pendant le mois précédent. Cet état fera connaître le département dans lequel se feront les poursuites, et le corps auquel l'amende devra être payée.

LIX. Il est alloué à l'administration de l'enregistrement, pour remises et frais, cinq centimes sur la recette desdites amendes. Ces amendes seront versées directement par les préposés de la régie aux receveurs d'arrondissement, qui s'en chargeront en recette. Ils en délivreront récépissé particulier et par duplicata. Le duplicata de ce récépissé sera adressé par la régie au conseil d'administration du régiment ou du corps auquel le condamné appartenait.

Le produit desdites amendes sera délivré aux conseils d'administration par le trésor public, sur la demande qu'ils en feront au ministre de ce département, appuyée du duplicata du récépissé dont l'envoi leur aura été fait.

Ce paiement sera ordonnancé, en conformité de l'arrêté du 26 Floréal an 11.

LX. Il sera accordée au greffier du conseil de guerre spécial dix francs pour la totalité des actes qu'il rédigera dans une même affaire jugée contradictoirement, soit auprès du rapporteur, soit auprès du conseil de guerre, y compris la transcription de la minute de la procédure et des autres pièces du procès sur le registre à ce destiné, les copies du jugement pour le ministre de la guerre, celle qui doit être déposée au lieu où sera détenu le condamné, et celle pour le général de la division.

Lorsque l'affaire aura été jugée par contumace, le greffier n'aura que six francs.

LXI. Les membres du conseil de guerre spécial et le rapporteur n'auront droit, en raison de leurs fonctions respectives, à aucune indemnité, ni gratification, ni traitement; ils les exerceront gratuitement.

LXII. Les militaires, les inspecteurs aux revues, les commissaires des guerres, les employés à l'Armée ou à sa suite, qui reçoivent directement de la république un traitement d'activité, appelés en témoignage, ne pourront prétendre, à raison de leur déplacement, soit pendant le voyage, soit pendant le séjour, qu'à l'indemnité de route fixée à leur grade respectif.

LXIII. Les citoyens non militaires et les employés à l'Armée ou attachés à sa suite, auxquels la république ne paye directement aucun traitement d'activité, recevront, lorsqu'ils seront appelés en témoignage, une indemnité de deux francs cinquante centimes par jour de voyage ou de séjour.

LXIV. Il sera également accordé une indemnité aux interprètes, laquelle ne pourra excéder six francs par séance entière de jour, et neuf francs de nuit, non compris la traduction des pièces de conviction, dont le prix sera évalué séparément, et suivant la nature du travail, par le conseil de guerre spécial.

Papers laid before the Commission by the French Officers.

LXV. Les indemnités prescrites par les articles précédens, ainsi que les gratifications accordées par les arrêtés du gouvernement aux gendarmes et préposés aux douanes qui auront arrêté un déserteur, seront payées par le corps du condamné; savoir, au témoin, sur la représentation de la citation au bas de laquelle le rapporteur aura fixé le montant de la taxe; à l'interprète, sur la représentation de la citation en vertu de laquelle il aura été appelé pour remplir les fonctions d'interprète, et au bas de laquelle le conseil de guerre aura fixé le montant de ce qui lui est dû; au gendarme ou préposé aux douanes, sur la représentation du procès-verbal d'arrestation; et au greffier, lors de la remise des pièces. Les sommes ci-dessus seront prélevées sur le produit des amendes que les déserteurs condamnés doivent payer.

LXVI. Il sera tenu, dans chaque corps, un état du produit desdites amendes, et des dépenses qui auront eu lieu en exécution de l'article précédent. L'excédent desdites dépenses sera, conformément à l'article 12 de la loi du 17 Ventôse an 8, uniquement destiné, par les corps, à remplacer par enrôlemens volontaires les déserteurs condamnés.

## TITRE IX.—*Application des Peines contre la Désertion.*

LXVII. Sera puni de mort,

1. Le déserteur à l'ennemi;
2. Tout chef de complot de désertion;
3. Tout déserteur étant en faction;
4. Tout déserteur qui aura emporté ses armes ou celles de ses camarades;
5. Tout déserteur à l'étranger, qui y aura pris du service, ou qui y sera passé une seconde fois;
6. Tout condamné au boulet ou aux travaux, qui se sera rendu coupable de révolte ou soulèvement contre ses surveillans, ses chefs ou la garde; qui aura commis un crime puni par le Code pénal ou par le Code militaire, de la mort ou des fers.

LXVIII. Seront réputés déserteurs à l'ennemi, ceux qui ont été qualifiés comme tels par la loi du 21 Brumaire an 5.

Seront réputés chefs de complot, ceux qui ont été qualifiés comme tels par la loi précitée.

LXIX. Seront punis de la peine du boulet,

1. Le déserteur à l'étranger;
2. Le déserteur à l'intérieur qui aura emporté des vêtemens ou des effets appartenant à ses camarades;
3. Le déserteur à l' intérieur qui, à l'avenir, aura déserté plus d'une fois;
4. Le déserteur des travaux publics.

LXX. La durée de la peine du boulet sera toujours de dix ans, et sera augmentée de deux ans pour chacune des circonstances ci-après; savoir:

1. Si la désertion n'a pas été individuelle;
2. Si le coupable était d'un service quelconque, ou s'il a escaladé les remparts;
3. S'il est déserté de l'Armée, ou d'une place de première ligne.

LXXI. Sera réputé déserteur à l'étranger, tout sous-officier ou soldat qui, sans ordre ou permission par écrit de son supérieur, aura franchi les limites fixées par le commandant de la troupe dont il fait partie, et qui sera arrêté dans les deux lieues de l'extrême frontière, allant vers cette frontière, lorsque sa famille n'aura pas son domicile dans ledit espace de deux lieues et du côté où il se dirigeait.

LXXII. La désertion à l'intérieur sera punie de la peine des travaux publics.

La durée de la peine des travaux publics sera toujours de trois ans; mais elle sera augmentée de deux ans pour chacune des circonstances suivantes:

1. Si la désertion n'a pas été individuelle;
2. Si le coupable était d'un service quelconque, ou s'il a escaladé les remparts;
3. S'il est déserté de l'Armée, ou d'une place de première ligne;
4. S'il a emporté des effets fournis par l'état ou par le corps.

LXXIII. Pendant la guerre, sera réputé déserteur, tout sous-officier ou soldat qui aura abandonné son corps sans permission, ou qui ayant obtenu un congé n'aura pas rejoint après l'expiration dudit congé.

Sera réputé avoir abandonné son corps, celui qui, à l'Armée ou dans une place de guerre, en sera absent depuis vingt-quatre heures, et en tout autre lieu depuis quarante-huit heures.

Sera réputé n'avoir pas rejoint après l'expiration de son congé, celui qui aura dépassé de huit jours la durée dudit congé.

LXXIV. Pendant la paix, sera réputé déserteur, tout sous-officier ou soldat qui, ayant plus de six mois de service, aura abandonné son corps depuis trois fois vingt-quatre heures dans un camp ou une place de guerre, et depuis huit jours dans tout autre lieu, ou qui aura dépassé de quinze jours la durée de son congé.

Celui qui ayant moins de six mois de service abandonnera son corps dans un camp ou une place de guerre, ne sera déclaré déserteur qu'après quinze jours d'absence, et qu'après un mois dans tout autre lieu.

Celui qui aura moins de six mois de service, et qui aura obtenu un congé, ne sera déclaré déserteur qu'après un mois du jour de l'expiration de son congé.

Ne pourront prétendre à jouir des jours de repentir accordés par le présent article aux individus qui auront moins de six mois de service, ceux dont la désertion n'aura pas été individuelle, ceux qui auront déserté étant de service, et ceux qui auront emporté leur habit. Ils seront dénoncés comme déserteurs après le temps fixé pour ceux qui ont plus de six mois de service.

LXXV. Sera déclaré déserteur et puni comme tel, tout conscrit qui, condamné comme réfractaire et comme tel conduit à l'un des dépôts formés en exécution du présent arrêté, s'en sera absenté depuis vingt-quatre heures, ou aura abandonné depuis le même temps le détachement dont il faisait partie.

## TITRE X.—*De l'Exécution des Jugemens.*

LXXVI. Tout déserteur condamné à la mort sera exécuté ains qu'il a été prescrit par les lois antérieures.

LXXVII. Tout déserteur condamné au boulet sera conduis à la parade le lendemain du jour où il aura été jugé.

Il y paraîtra traînant le boulet, et revêtu de l'habillement des condamnés au boulet.

Il entendra la lecture de sa sentence à genoux et les yeux bandés. Il parcourra, toujours les yeux bandés, le front entier des gardes et de son corps, qui sera en bataille.

Papers laid before the Commission by the French Officers.

Le corps dont il faisait partie défilera ensuite devant lui à la tête des gardes du jour : sa compagnie marchera la première.

LXXVIII. Le déserteur condamné aux travaux publics arrivera à la parade revêtu de l'habillement prescrit aux condamnés aux travaux publics. Il entendra sa sentence debout, n'aura point les yeux bandés ; il ne parcourra ni le front de la parade, ni celui de son corps ; les gardes et son corps défileront devant lui.

LXXIX. Les déserteurs condamnés partiront dans les vingt-quatre heures, sous l'escorte de la gendarmerie ; ils seront conduits directement au lieu où ils devront subir leur peine.

LXXX. Les gendarmes chargés de conduire les condamnés dans les places ou autres lieux où ils devront être mis aux travaux publics ou au boulet, seront porteurs, sous peine d'un mois de prison, d'une copie en forme du jugement de chaque condamné.

Cette copie sera enregistrée par le commissaire des guerres, et, à son défaut, par le maire du lieu, sur un registre établi à cet effet, et y demeurera annexée. Le commandant d'armes ou du lieu signera cet enregistrement.

TITRE XI.—*De la Cessation de la Peine.*

LXXXI. Il sera délivré une cartouche rouge à tout condamné au boulet qui sera mis en liberté, après avoir subi le nombre d'années de détention auquel il aura été condamné : cette cartouche portera qu'il est libéré de la peine du boulet. La cartouche de celui qui ne devra point fixer sa résidence à moins de vingt lieues de l'endroit où siégera le gouvernement, en fera mention.

Sa cartouche lui sera délivrée par le surveillant des condamnés, visée par le commandant d'armes et par le commissaire des guerres, approuvée par le général commandant la division.

Il sera fait mention de la délivrance de la cartouche dans le registre à la marge de l'enregistrement du jugement.

LXXXII. Tout condamné au boulet dont la peine aura été commuée en celle de travaux publics, ne recevra point de cartouche : copie des lettres de commutation de peine qui lui auront été accordées, sera inscrite à la marge de l'enregistrement de son jugement de condamnation. Il sera conduit par la gendarmerie à l'atelier des travaux publics désigné par le ministre de la guerre.

LXXXIII. Tout condamné aux travaux publics qui aura subi sa peine ou obtenu sa grâce, sera mis en liberté : il recevra une cartouche sur papier blanc, portant qu'il a expié sa peine, et qu'il est, à compter de ce jour, à la disposition du gouvernement pendant huit ans.

Il sera de suite placé dans le corps de troupes qui sera indiqué par le ministre de la guerre. Il y sera inscrit au moment de son arrivée, comme un recrue ordinaire, et traité de même. Il ne sera fait sur les contrôles du corps aucune mention de la peine qu'il aura subie.

Sa cartouche lui sera délivrée par le maréchal-des-logis de la gendarmerie visée par le commandant d'armes et par le commissaire des guerres, approuvée par le général commandant la division. Il sera fait mention de la délivrance de la cartouche à la marge de l'enregistrement du jugement.

TITRE XII.—*Dispositions Générales.*

LXXXIV. Lecture du présent arrêté sera faite, le premier dimanche de chaque mois, à tous les corps de l'Armée Française.

LXXXV. Pareille lecture sera faite, aux mêmes époques, aux condamnés aux travaux publics et aux condamnés au boulet.

LXXXVI. Toutes dispositions contraires au présent arrêté sont abrogées.

LXXXVII. Les ministres sont, chacun en ce qui le concerne, chargés de l'exécution du présent arrêté, qui sera inséré au bulletin des lois.

*Le Premier Consul*, signé BONAPARTE. Par le Premier Consul : *le Secrétaire d'Etat*, signé HUGUES B. MARET. *Le Ministre de la Guerre*, signé ALEX. BERTHIER.

Pour copie conforme :
*Le Ministre de la Guerre,*
ALEX. BERTHIER.

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No. 10.—*ORDONNANCE DU ROI ayant pour objet de prévenir les Conflits de Juridiction auxquels peut donner lieu l'Incertitude de la Jurisprudence en matière de Législation répressive de la Désertion.*

*A Paris, le 21 Février*, 1816.

LOUIS, par la grâce de Dieu, Roi de France et de Navarre ;

Considérant que les circonstances n'ont pas encore permis d'établir, dans un nouveau Code pénal militaire, les bases de la législation répressive de la désertion ;

Voulant prévenir les conflits de juridiction auxquels peut donner lieu l'incertitude de la jurisprudence sur cette matière ;

Vu les lois des 13 Brumaire an 5 (3 Novembre 1796), 18 Vendémiaire an 6 (9 Octobre 1797), l'arrêté du 19 Vendémiaire an 12 (12 Octobre 1803), et autres actes subséquens relatifs aux moyens de répression de la désertion ;

Sur le rapport de notre ministre secrétaire d'état de la guerre,

Nous avons ordonné et ordonnons ce qui suit :

ART. I. Il ne sera plus formé de conseils de guerre spéciaux pour juger les prévenus de désertion : la connaissance de ce délit est restituée aux conseils de guerre permanens.

II. Les conseils de guerre permanens appliqueront aux coupables soit de désertion, soit d'évasion des ateliers de travaux publics ou du boulet, soit de délits graves dans ces ateliers, les peines spécifiées par l'arrêté du 19 Vendémiaire an 12 (12 Octobre 1803), par l'avis du conseil d'état du 22 Ventôse de la même année (13 Mars 1804), par les décrets des 8 Nivôse, 23 Ventôse et 8 Fructidor an 13 (29 Décembre 1804, 14 Mars et 26 Août 1805), 8 Vendémiaire an 14 (30 Septembre 1805), 16 Février 1807, 23 Novembre 1811, 2 Février 1812 et 5 Avril 1813, à l'exception de la peine de l'amende de quinze cents francs, qui sera remplacée par la condamnation aux frais de poursuite, conformément à la loi du 18 Germinal an 7 (7 Avril 1799).

III. L'article 1 du décret du 14 Octobre 1811, qui défend de juger par contumace les prévenus de désertion, est maintenu.

IV. Aussitôt le retour d'un prévenu de désertion à son corps, le chef de ce corps portera plainte au commandant supérieur du lieu où siégera le conseil de guerre permanent. Ce commandant pourra

Papers laid before the Commission by the French Officers.

user de la faculté accordée par le décret du 4 Janvier 1814, refuser l'information, et se borner à infliger une peine de discipline, si des circonstances particulières militent en faveur du prévenu ; mais il devra rendre compte, dans les vingt-quatre heures, des motifs de son refus, à notre ministre secrétaire d'état de la guerre, qui approuvera ce refus, ou ordonnera de passer outre au jugement.

V. Les titres IV, V, VI, VII, IX, X, XI et XII de l'arrêté du 19 Vendémiaire an 12 (12 Octobre 1803), relatifs à la définition de la désertion, à l'application des peines et à l'exécution des jugemens, sont maintenus dans toutes les dispositions qui ne sont pas contraires à la présente ordonnance.

VI. Notre ministre secrétaire d'état de la guerre, et notre garde des sceaux, ministre secrétaire d'état de la justice, sont chargés, chacun en ce qui le concerne, de l'exécution de la présente ordonnance, qui sera insérée au bulletin des lois.

Donné à Paris, en notre château des Tuileries, le vingt-unième jour de Février de l'an de grâce 1816, et de notre règne le vingt-unième.

Signé LOUIS.

Par le Roi :
*Le Ministre Secrétaire d'Etat de la Guerre,*
Signé DUC DE FELTRE.

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No. 11.—*LOI relative à l'Interprétation de plusieurs Dispositions des Lois Pénales Militaires.*

*Au Château de Saint-Cloud, le* 15 *Juillet,* 1829.

CHARLES, par la grâce de Dieu, Roi de France et de Navarre, à tous présens et à venir, salut,

Nous avons proposé, les Chambres ont adopté,

Nous avons ordonné et ordonnons ce qui suit :

ART. I. Le vol des armes et des munitions appartenant à l'état, celui de l'argent de l'ordinaire, celui de la solde, celui des deniers ou effets quelconques appartenant à des militaires ou à l'état, commis par des militaires qui en sont comptables, sera puni des travaux forcés à temps ; en cas de circonstances atténuantes, la peine pourra être réduite, soit à la réclusion, soit à un emprisonnement de trois à cinq ans.

Si le vol a été commis par des militaires qui n'étaient pas comptables des deniers ou effets, la peine sera celle de la réclusion ; et, en cas de circonstances atténuantes, elle pourra être réduite à un emprisonnement d'un à cinq ans.

II. Tout militaire qui aura emporté tout ou partie de l'argent de l'ordinaire, ou de la solde, ou bien des deniers, des effets, des armes, ou emmené un cheval ou des chevaux appartenant à un militaire ou à l'état, mais qui ne lui étaient pas confiés pour son service, sera condamné à l'une des peines portées en l'article précédent, suivant les circonstances prévues par ledit article.

Si le militaire mis en jugement a été déclaré en outre coupable de désertion, les peines spécifiées en l'article 1 de la présente loi ne pourront jamais être réduites à celles de l'emprisonnement.

III. Tout militaire qui aura vendu, soit le cheval, soit tout ou partie des effets d'armement, d'équipement ou d'habillement qui lui auront été fournis par l'état, sera puni de deux à cinq ans de travaux publics.

Sera puni de la même peine tout militaire qui aura acheté lesdits effets.

IV. Tout militaire qui aura détourné ou dissipé des effets d'armement, d'équipement ou d'habillement qui lui étaient confiés pour son service, sera puni de six mois à deux ans de prison.

V. Tout militaire qui aura mis en gage, en tout ou en partie, les effets d'armement, d'équipement tou d'habillement à lui fournis par l'état, sera puni de deux mois à un an de prison.

Sera puni de la même peine tout militaire qui aura reçu en gage lesdits effets.

VI. Tout militaire qui vendra ou mettra en gage, en tout ou en partie, ses effets de petit équipement, sera puni de deux mois à un an de prison.

Sera puni de la même peine toute militaire qui sciemment achetra ou recevra en gage lesdits effets.

VII. Tout militaire qui, ayant emporté des effets ou des armes ou emmené un cheval à lui fournis par l'état, ne les représentera pas, sera, en cas où il serait acquitté du fait de désertion, condamné à l'une des peines portées aux articles 3, 4, 5 et 6 de la présente loi, suivant le délit dont il se sera rendu coupable.

VIII. Tout sous-officier ou soldat déclaré coupable de désertion, et qui aura emporté, en désertant, son arme ou ses armes blanches, ou celles qui lui étaient confiées pour son service, sera condamné à une année d'aggravation de la peine qu'il aura encourue pour fait de désertion.

La peine sera élevée au maximum, lorsque le sous-officier ou soldat aura emporté, en désertant, l'arme ou les armes à feu, ou emmené le cheval à lui confiés pour son services.

IX. Les articles 12, 13, 14 et 15 de la section 3, du titre 1, de la loi du 12 Mai 1793, le No. 4 de l'article 67, le No. 2 de l'article 69 du titre IX de l'arrêté du 19 Vendémiaire an 12 (12 Octobre 1803), et l'avis du conseil d'état en date du 22 Ventôse an 12 (13 Mars 1804), sont abrogés.

La présente loi, discutée, délibérée et adoptée par la chambre des pairs et par celles des députés, et sanctionnée par nous cejourd'hui, sera exécutée comme loi de l'état ; voulons, en conséquence, qu'elle soit gardée et observée dans tout notre royaume, terres et pays de notre obéissance.

Si donnons en mandement à nos cours et tribunaux, préfets, corps administratifs, et tous autres que les présentes ils gardent et maintiennent, fassent garder, observer et maintenir, et, pour les rendre plus notoires à tous nos sujets, ils les fassent publier et enregistrer partout où besoin sera, car tel est notre plaisir ; et, afin que ce soit chose ferme et stable à toujours, nous y avons fait mettre notre scel.

Donné en notre château de Saint-Cloud, le 15 jour du mois de Juillet de l'an de grâce 1829, et de notre règne le cinquième.

Signé CHARLES.

Vu et scellé du grand sceau :
*Le Garde des Sceaux de France,*
*Ministre Secrétaire d'Etat au*
*Département de la Justice,*
Signé BOURDEAU.

Par le Roi :
*Le Ministre Secrétaire d'Etat au*
*Département de la Guerre,*
Signé VIC. DE CAUX.

Papers laid before the Commission by the French Officers.

No. 12.—*LOI sur les Pensions de l'Armée de Terre.*

*Au Palais-Royal, le* 11 *Avril*, 1831.

LOUIS-PHILIPPE, Roi des Français,
A tous présens et à venir, salut.
Les Chambres ont adopté, nous avons ordonné et ordonnons ce qui suit:

TITRE PREMIER.—*Des Pensions Militaires pour Ancienneté de Service.*

SECTION 1.—*Des Droits à la Pension.*

ART. I. Le droit à la pension de retraite par ancienneté est acquis à trente ans accomplis de service effectif.

II. Les années de service, pour la pension militaire de retraite, se comptent de l'âge où la loi permet de contracter un engagement volontaire.

III. Le service des marins incorporés dans l'Armée de terre leur est compté pour le temps antérieur à cette incorporation, d'après les lois qui régissent les pensions de l'Armée de mer.

IV. Est compté pour la pension militaire de retraite le temps passé dans un service civil qui donne droit à pension, pourvu toutefois que la durée des services militaires soit au moins de vingt ans.

V. Il est compté quatre années de service effectif, à titre d'études préliminaires, aux élèves de l'école polytechnique, au moment où ils entrent comme officiers dans les armes spéciales.

VI. Le temps passé hors de l'activité, avec jouissance d'une pension de retraite, ne peut entrer dans la supputation du service effectif.

Il en est de même du temps pendant lequel une pension militaire aura été cumulée avec la solde d'activité dans les corps détachés de la garde nationale, comme auxiliaires de l'Armée; à moins que le pensionnaire n'ait acquis dans ces corps, et par les causes énoncées au titre II. ci-après, des droits à une pension plus élevée, ou qu'il n'y ait fait campagne, auquel cas il jouira du bénéfice de l'article 7.

VII. Les militaires qui auront le temps de service exigé par les articles précédens pour la pension d'ancienneté seront admis à compter en sus les années de campagnes, d'après les règles suivantes:

Sera compté pour la totalité, en sus de sa durée effective, le service militaire qui aura été fait,

1. Sur le pied de guerre;
2. Dans un corps d'Armée occupant un territoire étranger, en temps de paix ou de guerre;
3. A bord, pour les troupes embarquées en temps de guerre maritime;
4. Hors d'Europe, en temps de paix, pour les militaires envoyés d'Europe; le même service, en temps de guerre, leur sera compté pour le double en sus de sa durée effective.

Sera compté de la même manière le temps de captivité, à l'étranger, des militaires prisonniers de guerre.

Sera compté pour moitié en sus de sa durée effective,

1. Le service militaire sur la côte, en temps de guerre maritime;
2. Le service militaire à bord, pour les troupes embarquées en temps de paix.

VIII. Dans la supputation des bénéfices attachés aux campagnes par l'article 7, chaque période dont la durée aura été moindre de douze mois, sera comptée comme une année accomplie.

Néanmoins, il ne peut être compté plus d'une année de campagne dans une période de douze mois.

La fraction qui excédera chaque période dont la durée aura été de plus d'une année sera comptée comme une année entière.

SECTION 2.—*Fixation de la Pension d'Ancienneté.*

IX. Après trente années de service effectif, les militaires ont droit au *minimum** de la pension d'ancienneté déterminée, pour leur grade, par le tarif annexé à la présente loi.

Chaque année de service au-delà de trente ans, et chaque année de campagnes, supputées selon les articles 7 et 8, ajoutent à la pension un vingtième de la différence *minimum* au *maximum*.

Le maximum est acquis à cinquante ans de service, campagnes comprises.

X. La pension d'ancienneté se règle sur le grade dont le militaire est titulaire.

Si néanmoins il demande sa retraite avant d'avoir au moins deux ans d'activité dans ce grade, la pension se règle sur le grade immédiatement inférieur.

XI. La pension de retraite de tout officier, sous-officier, caporal et brigadier, ayant douze ans accomplis d'activité dans son grade, est augmentée du cinquième.

Dans ce cas spécial, le bénéfice du présent article est acquis aux officiers, sous-officiers, caporaux et brigadiers qui ont droit au *maximum* déterminé par le tarif annexé à la présente loi.

Jouiront de la même augmentation les gendarmes ayant douze années de service dans la gendarmerie.

TITRE II.—*Des Pensions de Retraite pour cause de Blessures ou d'Infirmités.*

SECTION 1.—*Des Droits à la Pension.*

XII. Les blessures donnent droit à la pension de retraite lorsqu'elles sont graves et incurables, et qu'elles proviennent d'évènemens de guerre, ou d'accidens éprouvés dans un service commandé.

Les infirmités donnent le même droit lorsqu'elles sont graves et incurables, et qu'elles sont reconnues provenir des fatigues ou dangers du service militaire.

Les causes, la nature et les suites des blessures ou infirmités seront justifiées dans les formes et dans les délais qui seront déterminés par un règlement d'administration publique.

XIII. Les blessures ou infirmités provenant des causes énoncées dans l'article précédent ouvrent un droit immédiat à la pension, si elles ont occasioné la cécité, l'imputation ou la perte absolue de l'usage d'un ou plusieurs membres.

* NOTE.—Extract from the Tariff annexed to this law:—

*Pensions de Retraite pour Ancienneté de Service.*

| | Minimum à 30 ans de service effectif. | Maximum à 50 ans de service campagnes comprises. |
|---|---|---|
| Sergent, maréchal-des-logis | 250 fr. | 400 fr. |
| Caporal, brigadier | 220 fr. | 340 fr. |
| Soldat de toute arme | 200 fr. | 300 fr. |

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XIV. Dans les cas moins graves, elles ne donnent lieu à la pension que sous les conditions suivantes :

1. Pour l'officier, si elles le mettent hors d'état de rester en activité et lui ôtent la possibilité d'y rentrer ultérieurement ;

2. Pour le sous-officier, caporal, brigadier et soldat, si elles le mettent hors d'état de servir et de pourvoir à sa subsistance.

SECTION 2.—*Fixation de la Pension.*

XV. Pour la cécité, l'amputation, ou la perte absolue de l'usage de deux membres, la pension est fixée conformément au tarif annexé à la présente loi.

XVI. Les blessures ou infirmités qui occasionent la perte absolue de l'usage d'un membre, ou qui y sont reconnues équivalentes donnent droit au *minimum* de la pension d'ancienneté, quelle que soit la durée des services.

Chaque année de service, y compris les campagnes supputées selon les articles 7 et 8, ajoute à cette pension un vingtième de la différence du minimum au maximum d'ancienneté.

Le maximum est acquis à vingt ans de service, campagnes comprises.

XVII. Pour les blessures ou infirmités qui mettent le militaire dans une des positions prévues par l'article 14, les pensions sont fixées pareillement au minimum d'ancienneté ; mais elles ne sont augmentées dans la proportion déterminée par l'article précédent que pour chaque année de service au-delà de trente ans, campagnes comprises.

Le maximum est acquis à cinquante ans de service, y compris les campagnes.

XVIII. La pension pour cause de blessures ou infirmités se règle sur le grade dont le militaire est titulaire.

L'article 11 ci-dessus est applicable à la pension pour cause de blessures ou d'infirmités.

TITRE III.—*Des Pensions des Veuves et Orphelins.*

SECTION 1.—*Des Droits à la Pension.*

XIX. Ont droit à une pension viagère,

1. Les veuves de militaires tués sur le champ de bataille ou dans un service commandé :

2. Les veuves de militaires qui ont péri à l'Armée ou hors d'Europe, et dont la mort a été causée, soit par des évènemens de guerre, soit par des maladies contagieuses endémiques, aux influences desquelles ils ont été soumis par les obligations de leur service :

3. Les veuves de militaires morts des suites de blessures reçues soit sur le champ de bataille, soit dans un service commandé, pourvu que le mariage soit antérieur à ces blessures ;

La cause, la nature et les suites des blessures seront justifiées dans les formes et dans les délais prescrits par un réglement d'administration publique ;

4. Les veuves de militaires morts en jouissance de la pension de retraite, ou en possession de droits à cette pension, pourvu que le mariage ait été contracté deux ans avant la cessation de l'activité ou du traitement militaire du mari, ou qu'il y ait un ou plusieurs enfans issus du mariage antérieur à cette cessation.

Dans les cas prévus par le présent article, le mariage contracté par les militaires en activité de service postérieurement à la promulgation du décret du 16 Juin, 1808, n'ouvrira de droits à pension aux veuves et enfans, qu'autant qu'il aura été autorisé dans les formes prescrites par ledit décret.

XX. En cas de séparation de corps, la veuve d'un militaire ne peut prétendre à aucune pension ; les enfans, s'il y en a, sont considérés comme orphelins.

XXI. Après le décès de la mère, ou lorsque, par l'effet des dispositions de l'article précédent, elle se trouve déchue de ses droits à la pension, l'enfant ou les enfans mineurs des militaires morts dans les cas prévus par l'article 19, ont droit, quel que soit leur nombre, à un secours annuel égal à la pension que la mère aurait été susceptible d'obtenir.

Ce secours est payé jusqu'à ce que le plus jeune d'entre eux ait atteint l'âge de vingt-un ans accomplis ; mais, dans ce cas, la part des majeurs est réversible sur les mineurs.

SECTION 2.—*Fixation des Pensions des Veuves.*

XXII. La pension des veuves de militaires est fixée au quart du maximum de la pension d'ancienneté affectée au grade dont le mari était titulaire, quelle que soit la durée de son activité dans ce grade.

Néanmoins la pension des veuves des maréchaux de France est fixée à 6,000 fr.

Celle des veuves de caporaux, brigadiers, soldats et ouvriers, ne sera pas moindre de cent francs.

TITRE IV.—*Dispositions Générales.*

XXIII. Dans les cas non prévus par la présente loi où il y aura lieu de récompenser des services militaires éminens ou extraordinaires, les pensions ne pourront être accordées que par une loi spéciale.

XXIV. Les pensions militaires sont personnelles et viagères ; elles sont inscrites, comme dette de l'état, au livre des pensions du trésor public.

XXV. Tout pourvoi contre la liquidation d'une pension militaire doit être formé, à peine de déchéance, dans le délai de trois mois, à partir du jour du premier paiement des arrérages, pourvu que, avant ce premier paiement, les bases de la liquidation aient été notifiées.

XXVI. Le droit à l'obtention ou à la jouissance des pensions militaires est suspendu,

Par la condamnation à une peine afflictive ou infamante, pendant la durée de la peine ;

Par les circonstances qui font perdre la qualité de Français durant la privation de cette qualité ;

Par la résidence hors du royaume sans l'autorisation du roi lorsque le titulaire de la pension est Français, ou naturalisé Français.

XXVII. Les pensions militaires dans la fixation desquelles il sera fait application de l'article 4 de la présente loi ne pourront en aucun cas être cumulées avec un traitement civil d'activité.

XXVIII. Les pensions militaires et leurs arrérages, sont incessibles et insaisissables excepté dans le cas de débet envers l'état ou dans les circonstances prévues par les articles 203 et 205 du Code civil.

Dans ces deux cas, les pensions militaires sont passibles de retenus qui ne peuvent excéder le cinquième de leur montant pour cause de débet, et le tiers pour alimens.

TITRE V.—*Dispositions Transitoires.*

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XXIX. Le service militaire antérieure à la promulgation de la présente loi ne pourra être compté au dessous de l'âge de quatorze ans pour les tambours et trompettes, et de l'âge de seize ans tant pour les autres militaires que pour les élèves des écoles spéciales, sauf le cas prévu par l'article 5.

XXX. Les trois années de service effectif accordées à titre d'études préliminaires en vertu des lois des 15 Décembre 1790, et 27 Avril 1791, aux officiers des corps de l'artillerie, du génie et des ingénieurs géographes qui n'ont pas été élèves de l'école polytechnique continueront de leur être comptées pour la pension de rétraite.

XXXI. Tous les droits acquis en vertu des dispositions antérieurs à la présente loi relativement aux services susceptibles d'être admis dans liquidation des pensions militaires, sont conservés, sauf les restrictions spécifiées dans l'article suivant.

XXXII. Les services hors des Armées nationales, qui ne sont devenus admissibles pour la pension de rétraite qu'en vertu des ordonnances des 25 et 31 Mai 1814, ne pourront être comptés qu'autant qu'ils seront accompagnés de quinze ans au moins de service effectif dans les Armées nationales.

Dans aucun cas, les campagnes faites dans le cours desdits services ne donneront lieu aux bénéfices des articles 7 et 8.

Les années de service et les campagnes dans les Armées des états en guerre contre la France ne seront jamais comptées pour la pension.

Toutefois le droits acquis par les traités ou les décrets antérieurs à 1814 sont maintenus.

XXXIII. Est réputé temps d'activité pour le bénéfice de l'art. 11 : 1. le temps passé avec jouissance de la solde de non-activité régie par les ordonnances, des 20 Mai 1818, et 5 Mai 1824 ; 2. le temps passé en réforme, suivant les règles posées par les ordonnances des 5 Février 1823, et 8 Février 1829.

XXXIV. Les dispositions de la présente loi seront appliquées à toutes les pensions non inscrites avant sa promulgation au livre de la dette publique.

Sont néanmoins réservés les droits acquis avant la promulgation de la présente loi, en vertu des règlemens d'organisation, aux militaires de l'ex-garde royale, de la ci-devant maison militaire, des divers corps spéciaux et de l'intendance militaire en ce qui concerne les avantages qui leur étaient attribués pour la liquidation de la pension de retraite ;

A la charge par les dits militaires de faire, dans le délai de six mois, à partir de la promulgation de la présente loi, sous peine de déchéance, leur demande d'admission à la pension de retraite.

XXXV. Dans tous les cas, le tarif annexé à la présente loi sera seul appliqué dans la fixation des pensions.

Les campagnes seront également supputées conformément aux dispositions de la présente loi.

Continuera néanmoins d'être observée le décret du 21 Octobre 1805, qui compte les mois de Vendémiaire an 14 pour un campagne entière.

XXXVI. Les retenues qui s'exercent au profit de la dotation de l'Hôtel des Invalides, tant sur les pensions civiles et militaires inscrites au trésor public, que sur les traitemens des membres de la légion d'honneur, sont supprimées pour les arrérages postérieurs au 31 Décembre 1830, en ce qui concerne les pensions militaires de retraite et les traitemens des membres de la légion d'honneur ; et pour les arrérages postérieurs au 22 du même mois, à l'égard de pensions civiles et de celles des veuves et orphelins de militaires.

XXXVII. Sauf les cas prévus par les articles 29, 30, 31, 32, 33, 34 et 35 tous règlemens, décrets, ordonnances et lois antérieurement rendus ou promulgués tant sur les droits et titres auquels sont et peuvent être accordées les pensions militaires, que sur la fixation de pensions, sont et demeurent abrogés.

La présente loi, discutée, délibérée et adoptée par la chambre des pairs et par celle des députés, et sanctionnée par nous cejourd'hui sera exécutée comme loi de l'état.

Donnons en mandement à nos cours et tribunaux, préfets, corps administratifs et tous autres, que les présentes, ils gardent et maintiennent, fassent garder, observer et maintenir ; et pour les rendre plus notoires à tous, ils les fassent publier et enregistrer partout où besoin sera ; et afin que ce soit chose ferme et stable à toujours, nous y avons fait mettre notre sceau.

Fait à Paris, au Palais-Royal, le 11 Avril 1831.

Signé LOUIS-PHILIPPE.

Par le Roi :

*Le Ministre Secrétaire d'Etat au Département de la Guerre.*

Signé M^al. Duc de Dalmatie.

Vu et scellé du grand sceau :

*Le Garde des Sceaux de France, Ministre Secrétaire d'Etat au Département de la Justice.*

Signé Barthe.

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No. 13.—*ORDONNANCE du Roi sur le Service intérieur des Troupes.*—[Extraits.]
*Paris le 2 Novembre* 1833.

CHAPTRE XXXIII.—*Punitions.*

*Fautes contre la Discipline.*

265. Sont réputées fautes contre la discipline et punies comme telles, suivant leur gravité :

De la part du supérieur, tout propos injurieux, toute voie de fait envers un subordonné, toute punition injustement infligée ; de la part de l'inférieur, tout murmure, mauvais propos ou défaut d'obéissance quelque raison qu'il croie avoir de se plaindre : l'infraction des punitions ; l'ivresse, pour peu qu'elle trouble l'ordre public ou militaire ; le dérangement de conduite ; les dettes ; les querelles entre militaires ou avec des citoyens : le manque aux appels, à l'instruction, aux différens services ; les contraventions aux ordres et aux règles de police ; enfin toute faute contre le devoir militaire, provenant de négligence, de paresse ou de mauvaise volonté.

Les fautes sont toujours plus graves quand elles sont réitérées et surtout habituelles et quand elles ont lieu pendant la durée du service, ou lorsqu'il s'y joint quelque circonstance qui peut porter atteinte à l'honneur ou entraîner du désordre.

Tout supérieur qui rencontre un inférieur pris de vin, ou troublant la tranquillité publique ou dans une tenue indécente, doit employer son influence et même son autorité pour le faire rentrer dans

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l'ordre; toutefois, il doit, autant que possible, éviter de se commettre avec lui, particulièrement lorsque l'inférieur est dans l'ivresse; il cherche à le faire arrêter par ses camarades, et, au besoin, par la garde.

A moins de nécessité absolue, la punition qu'aurait encourue un homme ivre ne doit lui être infligée que lorsque l'état d'ivresse a cessé.

*Droit de punir.*

266. En ce qui concerne le service et l'ordre public, tout militaire peut être puni par un militaire d'un grade supérieur au sien, quels que soient l'arme et le corps de celui-ci.

Nul ne peut être puni de plusieurs peines de discipline simultanément ni successivement, pour une seule et même faute.

Tout supérieur qui inflige une punition à un militaire d'un autre régiment en rend compte sur-le-champ au commandant de la place, qui en informe le chef du corps auquel appartient le militaire puni.

Le lieutenant ou le sous-lieutenant commandant par intérim une compagnie, a le droit d'infliger les mêmes punitions que le capitaine.

Le capitaine commandant par intérim un bataillon a le droit d'infliger les mêmes punitions que le chef de bataillon.

L'officier supérieur commandant par intérim le régiment a le droit d'infliger les mêmes punitions que le colonel.

Tout capitaine, lieutenant ou sous-lieutenant commandant un détachement, a le droit d'infliger les punitions que les articles 269, 281, 285 et 286 assignent aux attributions des officiers supérieurs; l'officier supérieur commandant un détachement a les mêmes droits à cet égard que le colonel, sauf ce qui est prescrit article 289.

Le commandant du régiment peut augmenter ou diminuer les punitions; il peut en changer la nature et même les faire cesser. Dans ce cas, il fait sentir à celui qui a puni l'erreur qu'il a commise, et le charge de lever la punition. Il le punit lui-même, s'il est reconnu qu'il y ait de sa part abus d'autorité.

Dans les corps qui ne sont composés que d'un bataillon, le chef de bataillon a le droit d'infliger les mêmes punitions que le colonel du régiment. Dans les corps composés d'une compagnie, l'officier commandant peut ordonner les mêmes punitions qu'un chef de bataillon dans un régiment; lorsqu'il y a lieu d'infliger des punitions plus graves, il en rend compte au commandant de la place, qui prononce.

*Impartialité dans les Punitions.*

267. Les punitions doivent être proportionnés non seulement aux fautes, mais encore à la conduite habituelle de chaque homme, au temps de service qu'il a accompli et à la connaissance qu'il a des règles de la discipline. Elles doivent être infligées avec justice et impartialité, et jamais par aucun sentiment de haine ni de passion.

Le supérieur doit s'attacher à prévenir les fautes; lorsqu'il est dans l'obligation de punir, il recherche avec soin toutes les circonstances atténuantes. En infligeant une punition, il ne se permet jamais des propos outrageans; le calme du supérieur fait connaître qu'en punissant il n'est animé que par le bien du service et le sentiment de son devoir.

*Punitions des Officiers.*

*Nature des Punitions.*

268. Les punitions à infliger aux officiers pour fautes de discipline sont:

Les arrêts simples.

La réprimande du colonel,

Les arrêts de rigueur,

La prison.

La réprimande a lieu en présence seulement d'un ou de plusieurs officiers du grade supérieur, ou en présence aussi des officiers du même grade réunis à cet effet.

La durée des arrêts simples ne peut excéder trente jours; il en est de même de celle des arrêts de rigueur. La prison ne peut être ordonnée pour plus de quinze jours; cette dernière punition est toujours mise à l'ordre.

*Arrêts simples.*

269. Un officier peut être mis aux arrêts simples par tout autre officier d'un grade supérieur au sien, ou même d'un grade égal, si ce dernier est plus ancien, ou s'il est adjudant-major, et s'il a le commandement du détachement, de la garnison ou du cantonnement dont l'autre fait partie.

Un lieutenant peut ordonner les arrêts simples pendant quatre jours; un adjudant-major ou un capitaine pendant huit; un capitaine, dans sa compagnie, ou un officier supérieur pendant quinze; le colonel pendant trente jours.

Un officier aux arrêts simples n'est exempt d'aucun service; il est tenu de garder la chambre sans recevoir personne, excepté pour affaires de service.

*Arrêts de Rigueur et Prison.*

270. Les arrêts de rigueur et la prison ne peuvent être ordonnés que par le commandant du régiment. Ces punitions suspendent de toutes fonctions militaires. Elles obligent l'officier puni à remettre son épée ou son sabre, et à payer la sentinelle lorsqu'il est jugé nécessaire d'en placer une à sa porte. Il lui est fait à ce sujet une retenue journalière du cinquième de ses appointemens. Cette retenue est versée à l'ordinaire des hommes qui ont fourni la garde.

L'épée d'un officier supérieur aux arrêts de rigueur ou en prison est portée chez le colonel par un adjudant-major, et celle d'un officier inférieur, par un adjudant.

*Comment sont ordonnées les Punitions.*

271. Les arrêts peuvent être ordonnés de vive voix ou par un billet cacheté; ce billet, qui indique le jour de l'expiration des arrêts, est porté par l'adjudant-major de semaine, aux officiers supérieurs, et l'adjudant de semaine aux autres officiers. Un officier d'un grade supérieur à l'officier puni ou plus ancien que lui peut seul être chargé de lui signifier verbalement les arrêts. Les arrêts sont mis à l'ordre lorsque l'intérêt de la discipline l'exige.

*Compte rendu.*

272. Tout officier qui a ordonné les arrêts à un officier de la même compagnie que lui, en rend

compte sur-le-champ au capitaine, qui en instruit le chef de bataillon, si c'est un officier du même bataillon sans être de la même compagnie, il rend compte au chef de bataillon, qui en fait informer le capitaine. Si l'officier puni appartient à un autre bataillon, l'officier qui a ordonné la punition en rend compte directement au lieutenant-colonel, qui en fait donner avis au chef de bataillon, et celui-ci au capitaine.

Les chefs de bataillon et la major rendent compte sur-le-champ au lieutenant-colonel des punitions infligées aux officiers sous leurs ordres.

Le colonel rend compte des arrêts simples dans les rapports périodiques qu'il adresse au maréchal-de-camp. Lorsqu'il inflige les arrêts de rigueur ou la prison, il lui en rend compte immédiatement.

*Levée des Arrêts.*

273. Les arrêts cessent à l'époque fixée pour l'expiration de la punition et sans autre formalité.

Tout officier doit, en sortant des arrêts ou de prison, se présenter chez celui par l'ordre duquel il a été puni, et le faire avec la déférence convenable. L'officier qui l'a puni l'a fait prévenir de l'heure et du lieu où il le recevra : l'un et l'autre sont dans la tenue du jour. Un officier d'un grade supérieur ou égal à l'officier puni peut être présent à cette visite ; il ne doit pas s'y trouver d'officier inférieur en grade à l'officier puni.

*Fautes pendant les Arrêts.*

274. Si un officier aux arrêts simples commet une faute, tout supérieur peut augmenter la durée de sa punition. Le commandant du régiment peut seul changer les arrêts simples en arrêts de rigueur, et ceux-ci en prison.

L'officier qui viole ses arrêts est puni de la prison.

*Adjudans-majors ; Officiers comptables.*

275. En ce qui concerne leur service spécial, les adjudans-majors ne sont punis que par les officiers supérieurs ; les officiers comptables ne peuvent l'être que par le colonel, le lieutenant-colonel ou le major. Pour ce qui est étranger à leur service, les uns et les autres peuvent être punis par tout officier d'un grade supérieur au leur.

*Chirurgiens.*

276. Le chirurgien-major ne peut être puni que par le colonel ou par le lieutenant-colonel : les chirurgiens aides-majors ne peuvent l'être que par les officiers supérieurs ou par le chirurgien-major.

Le chirurgien-major s'adresse au lieutenant-colonel lorsqu'il a une punition à demander contre un lieutenant ou un sous-lieutenant.

*Punitions demandées par les Membres de l'Intendance.*

277. Lorsque le sous-intendant militaire a sujet de se plaindre du major, il en informe le colonel, et, s'il y a lieu, demande la punition du major ; le colonel ne peut la refuser que par des considérations majeures, dont il rend compte immédiatement au maréchal-de-camp.

*Punitions infligées par les Commandans de Place.*

278. Les commandans de place peuvent mettre aux arrêts simples tout officier d'un grade égal au leur ; ils en rendent compte au maréchal-de-camp, qui, sur leur rapport, et après avoir pris, s'il y a lieu, les renseignemens nécessaires, fixe la durée de la punition.

Les commandans de place peuvent mettre aux arrêts de rigueur et en prison les officiers d'un grade qui leur est inférieur. Ils ont, quant à la durée des punitions qu'ils leur infligent, les mêmes droits qu'un colonel, ils informent les chefs de corps des punitions qu'ils ont infligées à leurs subordonnés ; ils en rendent compte au maréchal-de-camp.

*Punitions infligées par les Généraux.*

279. Le maréchal-de-camp et le lieutenant-général sous les ordres desquels le corps est placé, peuvent diminuer, augmenter ou changer la punition des arrêts de rigueur et de la prison ; le maréchal-de-camp peut prolonger jusqu'à trente jours la durée de la prison ; il en rend compte au lieutenant-général. Le lieutenant-général peut infliger la prison ou la détention dans un fort pendant soixante jours ; il en rend compte sur-le-champ au ministre de la guerre.

Toute autre officier général peut ordonner les arrêts et la prison aux officiers de tout grade, en se renfermant dans les limites prescrites par l'article 268 ; il en rend compte au lieutenant-général commandant la division.

*Punitions des Sous-officiers.*

*Nature des Punitions.*

280. Les punitions à infliger aux sous-officiers sont :

La privation de sortir du quartier après l'appel du soir ;

La consigne au quartier ou dans la chambre ;

La salle de police ;

La prison.

Pour les fautes de tenue, soit personnelles, soit relatives à leur troupe, les sous-officiers sont punis de la consigne.

Pour les fautes contre la discipline intérieure, ils sont punis de la salle de police.

Pour les fautes plus graves, entre autres celles qu'ils commettent pendant un service armé, ils sont punis de la prison.

La punition de la consigne ne peut être infligée pour plus de trente jours ; il en est de même de la punition de la salle de police. La prison ne peut être infligée pour plus de quinze jours.

*Par qui ordonnées.*

281. Les punitions sont ordonnées aux sous-officiers de la manière suivante :

Par les sergens-majors, quatre jours de consigne ou deux de salle de police ;

Par le sergent-major, dans sa compagnie, par les adjudans, les sous-lieutenans ou les lieutenans huit jours de consigne ou quatre de salle de police ;

Par les adjudans-majors ou par les capitaines, quinze jours de consigne, ou huit de salle de police, ou quatre de prison ;

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Par le capitaine, dans sa compagnie ou par les officiers supérieurs, trente jours de consigne ou quinze de salle de police, ou huit de prison.

Le colonel peut ordonner jusqu'à trente jours de salle de police ou quinze de prison.

Les punitions à infliger aux sous-officiers de l'état-major et à ceux de la compagnie hors rang sont prononcées, pour ce qui regarde leur service spécial, par les officiers qui en ont la direction ; pour tout autre objet, elles le sont par tout supérieur en grade.

*Consignés.*

282. Les sous-officiers consignés ne sont dispensé d'aucun service ; lorsque leur service exige qu'ils sortent du quartier, ils en préviennent l'adjudant de semaine, et reprennent leur punition aussitôt après.

*Salle de Police ; Prison.*

283. Tout service est interdit aux sous-officiers à la salle de police ou en prison. Ceux qui sont à la salle de police assistent, dans la même tenue que les autres sous-officiers, à toutes les classes d'instruction auxquelles ils sont attachés. Ceux qui sont en prison n'y assistent pas.

*Punitions des Caporaux et des Soldats.*

*Nature des Punitions.*

284. Les punitions à infliger aux caporaux et aux soldats sont :

La consigne au quartier ;

La salle de police ;

La prison ;

Le cachot ;

L'interdiction de porter le sabre.

Pour les fautes légères dans les chambres, pour irrégularité dans la tenue, pour négligence ou paresse à l'instruction pour manque aux appels de la journée, et les caporaux et les soldats sont punis par la consigne ; les soldats peuvent l'être aussi par une ou plusieurs corvées.

Tout homme légèrement pris de boisson, s'il ne se met pas souvent dans ce cas, et s'il ne trouble pas l'ordre ou la tranquillité, est seulement puni de la consigne pour la journée.

Pour négligence dans l'entretien de leurs effets ou de leurs armes, les soldats sont punis par un ou plusieurs jours d'inspection avec la garde.

Pour manque à l'appel du soir, pour mauvais propos, désobéissance, querelle, ivresse, les caporaux et les soldats sont punis de la salle de police.

Pour les fautes plus graves, particulièrement lorsqu'elles sont commises pendant un service armé, ils sont punis de la prison ou même du cachot.

Pour avoir tiré le sabre dans des rixes particulières, et indépendamment des autres punitions qu'ils peuvent avoir encourues, ils sont privés, pour un temps déterminé, de la faculté de porter cette arme, même, si le cas est grave, pendant le service.

La punition de la consigne ne peut être infligée pour plus de trente jours ; il en est de même de la punition de la salle de police. La prison ne peut être infligée pour plus de quinze jours ; le cachot ne peut l'être que pour quatre et en déduction d'autant de jours de prison.

*Par qui ordonnées aux Caporaux.*

285. Les punitions sont ordonnées aux caporaux de la manière suivante :

Par les sous-officiers, quatre jours de consigne ou deux de salle de police ;

Par le sergent-major, dans sa compagnie, par les adjudans, les sous-lieutenans ou les lieutenans, huit jours de consigne ou quatre de salle de police, et huit jours d'interdiction de port du sabre ;

Par les adjudans-majors ou les capitaines, quinze jours de consigne, ou huit de salle de police, ou quatre de prison, et quinze jours d'interdiction de port du sabre ;

Par le capitaine, dans sa compagnie, ou par les officiers supérieurs, trente jours de consigne, ou quinze de salle de police, ou huit de prison, et trente jours d'interdiction de port du sabre ;

Le colonel peut infliger trente jours de salle de police ou quinze de prison, et ordonner le cachot. Il peut interdire le port du sabre pendant soixante jours ;

Les caporaux sont mis dans les mêmes salles de police et prison que les sous-officiers.

*Par qui ordonnées aux Soldats.*

286. Les corvées et l'inspection avec le garde peuvent être ordonnées aux soldats par les autorités de tout grade. Les autres punitions sont ordonnées de la manière suivante :

Par les caporaux, quatre jours de consigne ou deux de salle de police ;

Par les sous-officiers, huit jours de consigne ou quatre de salle de police ;

Par le sergent-major, dans sa compagnie, par les adjudans, les sous-lieutenans ou les lieutenans, quinze jours de consigne ou huit de salle de police, et quinze jours d'interdiction de port du sabre ;

Par les adjudans-majors ou les capitaines, trente jours de consigne, ou quinze de salle de police, ou quatre de prison, et trente jours d'interdiction de port du sabre ;

Par le capitaine, dans sa compagnie, ou par les officiers supérieurs, trente jours de consigne ou de salle de police, ou huit de prison, et soixante jours d'interdiction de port du sabre ;

Le colonel peut infliger quinze jours de prison, et ordonner le cachot. Il peut interdire le port du sabre pendant quatre-vingt-dix jours.

*Service des Hommes punis.*

287. Les caporaux et les soldats consignés ou détenus à la salle de police ne sont dispensés d'aucun service ; ils assistent à toutes les classes d'instruction auxquelles ils sont attachés ; ils reprennent leur punition au retour ; les sous-officiers et les caporaux de semaine en sont responsables. Ils sont en outre exercés deux fois par jour et pendant deux heures en peloton de punition, sous le commandement d'un sous-officier désigné à cet effet ; ils ne le sont qu'une fois les jours d'exercice du régiment.

Les soldats consignés ou détenus à la salle de police sont employés à toutes les corvées du quartier.

Les caporaux et les soldats en prison ou au cachot ne font pas de service ; leurs centimes de poche sont versés en totalité aux ordinaires dont ils font partie.

*Dispositions communes aux Sous-officiers, Caporaux et Soldats.*

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288. Tout officier, sous-officier ou caporal qui inflige une punition, doit en faire informer le capitaine par le sergent-major de la compagnie à laquelle appartient l'homme puni, en indiquant le motif de la punition et le jour auquel elle expire.

A l'expiration des punitions, l'adjudant de semaine fait élargir les hommes punis, et les fait conduire à leur compagnie par les caporaux de semaine.

Lorsque des sergens et des caporaux sont chefs de poste, ils peuvent infliger aux hommes de service sous leurs ordres les punitions que les lieutenans sont autorisés à ordonner par les articles 285 et 286.

Les capitaines peuvent dans leur compagnie augmenter les punitions infligées par leurs subordonnés; ils en rendent compte. Lorsqu'il y a lieu à diminuer la punition, ils en font la demande par la voie du rapport.

Les chirurgiens peuvent infliger la consigne ou la salle de police aux sous-officiers, aux caporaux et aux soldats; ils en rendent compte au lieutenant-colonel, qui, sur leur demande, fixe la durée de la punition et la fait porter au rapport.

Le droit de consigner au quartier la totalité ou une fraction d'une troupe n'appartient qu'aux officiers généraux sous les ordres desquels elles se trouve, au commandant de la place et au commandant de cette troupe: ce dernier, lorsqu'il a jugé nécessaire d'ordonner cette punition, en informe sur-le-champ le commandant de la place, et lui en faire connaître les motifs; il en rend compte au maréchal-de-camp. Hors le cas d'urgente nécessité, cette consigne ne peut, sans l'autorisation du maréchal-de-camp ou du commandant de la place, être infligée au-delà de vingt-quatre heures. Les officiers de semaine des compagnies consignés sont tenus de rester au quartier jusqu'à l'appel du soir; le colonel peut ordonner aussi que tous les officiers de ces compagnies se trouvent au quartier.

Le colonel seul peut ordonner que les hommes punis de la prison subissent leur peine dans la prison de la place.

*Suspension et Cassation des Sous-officiers et des Caporaux, et Renvoi des Hommes d'élite dans les Compagnies de Fusiliers.*

*Suspensions et Concessions.*

289. Les sous-officiers et les caporaux peuvent être suspendus de leurs fonctions pendant un temps déterminé qui n'excédera pas deux mois; ils seront astreints pendant ce temps au service du grade inférieur.

Les adjudans peuvent être replacés dans l'emploi de sergent-major ou celui de sergent; les sergens-majors, dans l'emploi de sergent; les sergens, dans le grade du caporal.

Enfin, les sergens-majors, le sergens et les caporaux peuvent être cassés et replacés dans les rangs des soldats.

Les suspensions sont prononcées par le commandant du régiment.

A moins de circonstances majeures et inopinées, le commandant du régiment n'inflige cette punition que sur la proposition du capitaine, l'avis du chef de bataillon et celui du lieutenant-colonel.

Si les motifs concernent l'administration, le major donne aussi son avis.

Si la faute a été commise dans un poste ou pendant tout service soumis à la surveillance des adjudans-majors et des adjudans, la proposition de l'adjudant-major de semaine et l'avis du chef de bataillon de semaine, remplacent la proposition du capitaine de la compagnie et l'avis du chef de bataillon.

Lorsqu'il y a lieu de faire descendre un sous-officier au grade ou à l'emploi inférieur, le capitaine de la compagnie, ou, s'il s'agit d'un adjudant, l'adjudant-major du bataillon, dresse une plainte qui est remise au colonel, après avoir été revêtue de l'avis du chef de bataillon, de celui du lieutenant-colonel, et, si les faits sont relatifs à l'administration, de celui du major. Cette plainte doit être accompagnée du relevé des punitions et de l'état des services du sous-officier.

Si la plainte est motivée principalement sur une faute commise dans un poste ou pendant un service soumis à la surveillance des adjudans-majors et des adjudans, elle est accompagnée en outre d'un rapport de l'adjudant-major de semaine, visé par le chef de bataillon de semaine.

Le colonel adresse le tout au maréchal-de-camp avec un rapport spécial.

Le maréchal-de-camp prend de nouvelles informations, entend, s'il y a lieu, le prévenu, et prononce.

La cassation portant atteinte à toute la carrière militaire ne doit être employée qu'avec la plus grande circonspection, et pour les fautes très-graves ou l'incorrigibilité bien reconnue.

Lorsqu'il y a lieu de casser un sergent-major, un sergent ou un caporal, on suit la marche qui vient d'être tracée pour faire descendre un sous-officer au grade ou à l'emploi inférieur.

La cassation d'un caporal est prononcée par le maréchal-de-camp.

La cassation d'un sergent ou d'un sergent-major est prononcé par le lieutenant-général; le maréchal-de-camp lui adresse, à cet effet, les pièces avec son avis et les renseignemens qu'il a pris soin de recueillir.

Les pièces concernant les cassations ou le renvoi dans un grade ou emploi inférieur, sont remises au colonel, qui les fait déposer aux archives du corps pour être présentées à l'inspecteur-général, qui s'assure que toutes les formes ont été observées.

Lorsque des sous-officiers et des caporaux sont membres de la légion d'honneur, ils ne peuvent être cassés que d'après l'autorisation du ministre de la guerre et sur la proposition du lieutenant-général: dans tous les cas ils peuvent être suspendus de leurs fonctions.

Les grenadiers et les voltigeurs, et les sous-officiers et les caporaux de ces compagnies, sont renvoyés dans une compagnie de fusiliers sur l'ordre du colonel, d'après le rapport du capitaine, l'avis du chef de bataillon et celui du lieutenant-colonel.

En ce qui concerne la compagnie hors rang, l'officier d'habillement a les mêmes attributions que les autres commandans de compagnie, et l'avis du major remplace celui du chef de bataillon.

Lorsqu'une ou plusieurs compagnies sont détachées hors de la division où se trouve le régiment, le pouvoir de renvoyer les hommes d'élite dans les compagnies de fusiliers, et de suspendre les sous-officiers et les caporaux, appartient au commandant du détachement, qui en rend compte au colonel; lorsqu'il y a lieu de casser des sous-officiers ou des caporaux, le commandant du détachement envoie au colonel le rapport et les pièces à l'appui, et prend ses ordres. En temps de guerre, il envoie directement au maréchal-de-camp le rapport et les pièces à l'appui; il rend compte au colonel. En tout temps, lorsque le colonel est avec une partie du régiment hors de France, le commandant

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du dépôt et les commandans des bataillons restés dans l'intérieur se conforment à cette dernière disposition.

*Comment exécutées.*

290. Les suspensions sont mises à l'ordre, ainsi que les cassations.

L'ordre annonce aussi quand un sous-officier descend à un grade ou emploi inférieur, et quand un homme d'élite est renvoyé dans une compagnie de fusiliers.

Les sous-officiers et les caporaux cassés passent dans un autre bataillon. Si le bataillon est détaché à plus d'une journée de marche, ils passent seulement dans une autre compagnie.

Les sous-officiers suspendus reçoivent leur nourriture de l'ordinaire de la compagnie.

## CHAPITRE XXXIV.—*Réclamations.*

*Disposition générale.*

291. Les réclamations individuelles sont les seules autorisées.

*Réclamations par suite de Punitions.*

292. Des punitions injustes ou trop sévères pouvent être infligées par suite de rapports inexacts, d'informations mal prises, ou par des motifs particuliers étrangers au service, les réclamations sont admises, en se conformant aux règles suivantes:

Quel que soit l'objet de la réclamation, elle ne peut être portée qu'aux officiers et aux généraux, sous les ordres immédiats desquels se trouve le militaire qui la fait.

Tout militaire recevant l'ordre d'une punition, doit d'abord s'y soumettre: les sous-officiers, les caporaux et les soldats peuvent ensuite adresser leurs réclamations à leur capitaine; les officiers peuvent soumettre les leurs à leur chef de bataillon ou au lieutenant-colonel.

Les réclamations relatives aux punitions infligées pendant le service sont, de préférénce, adressées à l'adjudant, à l'adjudant-major ou au chef de bataillon de semaine.

Un homme qui réclame étant dans l'ivresse ne peut être entendu.

Les officiers et les sous-officiers doivent écouter avec calme les réclamations, en vérifier avec soin l'exactitude, et y faire droit lorsqu'elles sont fondées; mais ils peuvent augmenter les punitions contre lesquelles on aurait réclamé sans de justes motifs.

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## CHAPITRE XXXV.—*Conseils d'Enquête pour les Officiers.*

*Fautes qui leur sont déférés.*

296. L'appréciation des torts ou des fautes qui, sans être de nature à entraîner la perte du grade ni à rendre justiciable d'un tribunal militaire, sont néanmoins assez graves pour ne pouvoir être réprimés par les peines de la discipline, continuera à être déférée à des conseils d'enquête.

On entend par ces torts ou ces fautes, soit la récidive fréquente dans des écarts qui donnent lieu à l'application des peines de la discipline, soit des mœurs basses et des habitudes dégradantes, soit le manquement à l'honneur, soit la passion du jeu, soit la prodigalité, quand elle entraîne à l'insolvabilité permanente, soit enfin la manifestation publique de principes contraires à l'ordre et incompatibles avec les devoirs du service.

*Conseils de deux Sortes.*

297. Les conseils d'enquête sont de deux sortes.

Les premiers, appelés *conseils de division*, doivent apprécier les accusations portées contre les officiers supérieurs de toutes armes jusqu'au grade de colonel inclusivement, contre les officiers inférieurs autres que ceux de régimens, et contre les officiers détachés d'une autre division.

Les seconds, dits *conseils de régiment*, sont compétens seulement pour les officiers inférieurs des régimens.

*Composition du Conseil de Division.*

298. Le conseil de division est composé ainsi qu'il suit:

1. Pour un colonel,

De l'officier général commandant la division, président;

Des trois maréchaux-de-camp et des trois colonels les plus anciens dans la division;

2. Pour un lieutenant-colonel,

De l'officier général commandant la division, président;

Des deux maréchaux-de-camp, de deux colonels et des deux lieutenans-colonels les plus anciens dans la division;

3. Pour les autres officiers supérieurs,

De l'officier général commandant la division, président;

Du maréchal-de-camp, du colonel, des deux lieutenans-colonels et des deux chefs de bataillon ou d'escadron les plus anciens dans la division;

4. Pour les officiers inférieurs de toutes armes, autres que ceux des régimens de la division,

Du maréchal-de-camp commandant la brigade ou la subdivision, président;

Du colonel, du lieutenant-colonel, des deux chefs de bataillon ou d'escadron et des deux capitaines les plus anciens dans la garnison, ou, à défaut, dans les garnisons voisines.

*Composition du Conseil de Régiment.*

299. Le conseil de régiment est composé,

Du maréchal-de-camp commandant la brigade ou la subdivision, président;

Du colonel,

Du lieutenant-colonel,

Des deux chefs de bataillon ou d'escadron et des deux capitaines les plus anciens du corps.

*Membres suppléans.*

300. En cas d'absence ou d'empêchement, les membres des deux conseils sont suppléés par des officiers de leur grade, ou, à défaut, du grade immédiatement inférieur, selon l'ordre d'ancienneté. Aucun suppléant ne peut néanmoins être d'un grade au dessous de celui de l'officier inculpé.

*Le Plaignant ne peut siéger.*

301. L'officier dont le rapport a donné lieu à la convocation d'un conseil d'enquête ne peut en faire partie.

*Convocation des Conseils d'Enquête.*

302. La convocation d'un conseil d'enquête ne peut avoir lieu à l'égard d'un colonel ou de tout autre officier supérieur chef d'un corps, ou commandant d'une place, que sur l'ordre de notre Ministre de la guerre, ou, à l'Armée, sur celui du commandant en chef, et d'après la proposition du général inspecteur ou du général commandant la division.

A l'égard des autres officiers, le conseil de division est convoqué sur la demande écrite du chef sous les ordres duquel se trouve l'inculpé; le conseil de régiment, sur la demande du colonel ou de tout autre officier commandant les corps.

Les demandes de convocation sont toujours accompagnées des rapports et autres documens qui les ont motivées.

L'officier général commandant la division peut seul convoquer un conseil d'enquête.

Il ne le convoque, à moins d'ordre du Ministre de la guerre, que lorsqu'un examen approfondi lui a fait juger insuffisans les moyens de la discipline ordinaire.

*Lieu des Séances.—Nomination d'un Rapporteur.*

303. L'ordre de convocation d'un conseil d'enquête indique le lieu des séances, et porte en même temps nomination d'un rapporteur parmi les membres désignés.

*Fonctions du Rapporteur.*

304. Le rapporteur est chargé de prendre toutes les informations nécessaires.

Il rédige les procès-verbaux des séances.

*Défense de l'Inculpé.*

305. L'officier inculpé est toujours admis à présenter devant le conseil ses moyens de défense, et à faire entendre des témoins.

*Délibération et Vote.*

306. Le conseil émet son avis à la pluralité des voix.

Les voix sont recueillies par le président, en commençant par les officiers les moins élevés en grade, et dans chaque grade par le moins ancien.

L'officier inculpé n'est point présent à la délibération, mais il assiste au prononcé de l'avis du conseil.

*Punitions que le Conseil peut prononcer.*

307. Le conseil peut prononcer à la majorité de cinq voix sur sept, et sans appel,

1. La censure dans son sein;
2. La censure mise à l'ordre du régiment ou de la division;
3. Des peines de discipline;
4. La radiation du tableau d'avancement au choix;
5. La retenue, pour dettes, d'une portion de la solde, conformément aux dispositions de l'article 330 de la présente ordonnance.

*Suspension de l'Emploi.—Privation du Grade.*

308. Le conseil peut proposer, à la majorité de cinq voix sur sept, le retrait ou la suspension de l'emploi pendant un an au moins ou trois ans au plus.

Si le conseil reconnait que les faits imputés peuvent entraîner la privation du grade, l'inculpé est renvoyé, par l'officier général commandant la division, devant le tribunal militaire compétent.

*Comment il est statué sur les Propositions du Suspension.*

309. Toute proposition de retrait ou de suspension d'emploi est examinée par le comité de l'arme à laquelle appartient l'inculpé. Les officiers du corps royal d'état-major, ceux de l'état-major des places et ceux de la gendarmerie ressortissent à cet égard du comité de l'infanterie et de la cavalerie.

Le comité adresse son avis à notre Ministre de la guerre, qui le soumet, s'il y a lieu, à notre approbation.

*Position et Traitement pendant la Suspension.*

310. L'officier suspendu de ses fonctions est mis en non-activité, et reçoit le traitement affecté à la réforme.

*Remplacement; Retour au Corps.*

311. L'officier dont la suspension ne doit pas durer plus d'un an n'est pas remplacé.

L'officier suspendu pour plus d'un an est immédiatement remplacé. A l'expiration de sa suspension, il rentre à son corps, et y sert à la suite jusqu'à la première vacance, qui lui est toujours donnée, même par anticipation, s'il y a lieu, au titre de la non-activité.

*Effets de la Suspension quant au rang d'Ancienneté.*

312. Le temps pendant lequel un officier a été suspendu de ses fonctions en vertu de la présente ordonnance lui est compté pour la retraite, mais il ne compte pas pour l'ancienneté de grade.

*Destination que reçoivent les Procès-verbaux des Séances.*

313. Les procès-verbaux des séances de conseils d'enquête sont adressées par le président à notre Ministre de la guerre, qui renvoie au comité de l'arme de l'inculpé ceux qui contiennent une proposition de retrait ou de suspension d'emploi.

Une expédition en est déposée aux archives du corps, pour être présentée à l'inspecteur général lors de sa revue. L'inspecteur général en consigne la substance dans les notes que, selon ses instructions, il adresse sur chaque officier.

Pour ce qui concerne les officiers du corps royal d'état-major et autres officiers sans troupes, ce dépôt a lieu aux archives de la division.

## CHAPITRE XXXVI.—*Conseils de Discipline pour les Soldats.*

*Envoi aux Compagnies de Discipline.*

314. Les soldats qui, sans avoir commis des délits justiciables de conseils de guerre, persévèrent

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néanmoins à porter le trouble et le mauvais exemple dans le régiment, sont désignés au lieutenant-général, pour être incorporés dans une compagnie de discipline.

Lorsqu'un capitaine juge qu'un soldat de sa compagnie a mérité d'être envoyé dans une compagnie de discipline, il en fait le rapport par écrit à son chef de bataillon, en précisant les fautes ou les contraventions du soldat, les punitions qui lui ont été infligées, et les récidives qui donnent à sa conduite un caractère de persévérance, dangereux pour l'ordre et la police du corps.

Le chef de bataillon adresse ce rapport avec son avis au lieutenant-colonel, qui le transmet au colonel. Le colonel, ou, lorsqu'il est absent, le commandant du régiment, convoque un conseil de discipline, composé d'un chef de bataillon, des trois plus anciens capitaines et des trois plus anciens lieutenans du régiment, pris hors du bataillon auquel appartient le militaire inculpé.

Dans un bataillon détaché hors du département dans lequel le régiment est stationné, le conseil de discipline est convoqué, sur la demande du chef de bataillon, par le maréchal-de-camp commandant la brigade ou la subdivision militaire dont le bataillon fait partie; il est composé du plus ancien capitaine, des deux plus anciens lieutenans et des deux plus anciens sous-lieutenans, pris hors de la compagnie à laquelle appartient le soldat. Lorsque le bataillon est commandé par un capitaine, le capitaine le plus ancien après lui préside le conseil de discipline.

Le chef et l'adjudant-major du bataillon, ainsi que le capitaine de la compagnie dont fait partie le soldat, sont consultés; lorsqu'ils se sont retirés, le soldat est entendu dans sa défense. Le conseil rédige ensuite son avis motivé, et le remet au colonel; si cet avis est défavorable au soldat, le colonel le transmet, avec son opinion particulière, au maréchal-de-camp. Il y joint le rapport du capitaine, l'avis du chef de bataillon, l'état signalétique et de services du soldat, et celui de ses punitions. Ces deux états sont en double expédition. Le maréchal-de-camp adresse ces pièces, avec son avis, au lieutenant-général, qui prononce, et qui, s'il y a lieu, fait diriger le militaire sur une des compagnies de discipline que le ministre lui a désignée à l'avance. Le militaire attend dans la prison de la place la décision du lieutenant-général.

Quand le lieutenant-général juge que tous les moyens de répression n'ont pas été épuisés, il ne donne pas suite à la demande du conseil, et peut infliger au soldat que cette demande concerne, une détention dans un fort ou dans une prison militaire: cette détention ne doit pas excéder deux mois.

Dans tous les cas, il rend compte au ministre.

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*Punitions.—Place, en marche, des Officiers Punis.*

367. Les officiers aux arrêts simples marchent à leur rang; les officiers aux arrêts de rigueur ou en prison marchent sans épée ou sans sabre, et sous une escorte particulière qui se tient en avant et hors de la vue du régiment.

Quand l'intérêt de la discipline n'exige pas impérieusement que la punition des arrêts de rigueur ou de la prison soit subie immédiatement après la faute, le colonel ne la fait subir que pendant les séjours, et, s'il se peut, à l'arrivée dans le garnison.

*Place des Sous-officiers, des Caporaux et des Soldats.*

368. Les sous-officiers punis de la salle de police, les caporaux et les soldats punis de la salle de police et de la prison, marchent avec leurs compagnies; ils reprennent leur punition en arrivant au gîte; les capitaines donnent des ordres à cet égard.

Les sous-officiers punis de la prison, les caporaux et les soldats punis du cachot, marchent avec le garde; en traversant les villes et villages, ils portent l'arme sous le bras gauche.

Ceux qui sont prévenus de délits du ressort des tribunaux sont remis à la gendarmerie; en attendant, ils peuvent être attachés, si cette mesure est jugée nécessaire.

Pour des fautes légères, les sous-officiers, les caporaux et les soldats sont punis de la consigne à la garde de police jusqu'à la retraite, pendant une ou plusieurs journées de marche.

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*Devoirs des Officiers Généraux relativement à l'exécution de la présente Ordonnance.*

* * * * * * *

*Punitions.*

La surveillance sur la matière dont les punitions sont infligées dans les régimens constitue un des devoirs les plus essentiels des officiers généraux. Si les punitions sont trop multipliées, ils doivent rechercher les causes de cet état de choses, s'efforcer d'y remédier, et faire sentir aux officiers et aux sous-officiers qu'une sollicitude paternelle, leurs conseils, leur propre exemple et l'usage équitable de leur autorité, préviennent les fautes, et établissent la discipline sur une base plus solide que ne le font les punitions. Ils empêchent que, sous aucun prétexte, on ne s'écarte des règles prescrites dans la présente ordonnance; ils signalent à l'attention du ministre les corps où les fautes sont en moins-grand nombre et de moindre gravité.

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No. 14.—*RAPPORT AU ROI sur l'Administration de la Justice Militaire pendant l'année* 1832.

SIRE, *Paris, le 9 Décembre*, 1833.

C'est un besoin de notre époque d'appeler un examen attentif sur toutes les parties de l'administration, de recueillir et de coordonner les faits pour en tirer d'utiles enseignemens, et d'exposer au grand jour de la publicité les résultats obtenus. Ceux que présente l'administration de la justice militaire m'ont paru propres à exercer une influence salutaire sur l'application des lois, et à compléter, sous un de ses rapports les plus importans, la connaissance de l'état de la justice criminelle en France.

J'ai en conséquence l'honneur de mettre sous les yeux de Votre Majesté, le compte général de l'administration de la justice militaire pendant le cours de l'année 1832.

Les tableaux ci-annexés offrent d'abord un état général, divisé par nature de délits; ensuite des états particuliers présentent les militaires classés, 1. sous le rapport du titre auquel ils servaient dans l'armée; 2. de l'arme à laquelle ils appartenaient; 3. du grade ou du rang qu'ils occupaient.

D'autres résumés enfin indiquent le temps de service fait au moment de la mise en jugement, et l'instruction primaire des hommes soumis à l'action de la justice.

Les différens points de vue qui résultent de la division indiquée permettent d'établir quelques com-

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paraisons, non seulement intéressantes par les données qu'elles fournissent pour apprécier la situation morale de l'armée, mais encore utiles à l'administration, dont le devoir est d'étudier les causes du mal pour le prévenir, d'aller au devant des occasions par l'emploi des mesures convenables et d'une active surveillance, et de préparer les améliorations que peut recevoir l'administration de la justice.

J'observerai que si, dans le compte de la justice criminelle ordinaire, il y a utilité incontestable à faire ressortir les résultats sous le rapport des circonscriptions territoriales auxquelles ils peuvent s'appliquer, une division analogue serait sans objet dans le compte de la justice militaire. En effet, les différentes circonscriptions militaires sont occupées par des troupes dont le nombre varie suivant les circonstances, qui se composent d'hommes tirés des diverses parties du royaume, et dont le séjour, plus ou moins prolongé, ne l'est jamais assez pour que les localités puissent influer d'une manière sensible sur la moralité des hommes ; dès-lors il ne ressortirait de la comparaison des divisions militaires entre elles aucun résultat appréciable, aucune observation nécessaire à constater.

C'est donc sur l'ensemble des tribunaux militaires et sur les conséquences générales de leur action, rapprochées du nombre effectif des troupes, qu'a dû être basé ce travail.

En 1832 l'armée était composée de 388,402 hommes, y compris la garde municipale et les sapeurs-pompiers de Paris, 6,858 militaires ont été mis en jugement, ce qui donne la proportion moyenne d'environ 1 sur 70. A ce nombre de 6,858, se joint celui de 75 indigènes d'Afrique, comme justiciables des conseils de guerre; ce qui forme le nombre total de 6,933, chiffre des mises en jugement devant les tribunaux militaires pendant l'année 1832.

Sur les 6,858 militaires, 14 ont été renvoyés devant les tribunaux ordinaires pour incompétence des conseils de guerre ; 2,217 ont été acquittés, et 4,627 ont été condamnés, savoir: 93 à mort, 391 aux travaux forcés, 130 à la réclusion, 308 au boulet, 1,149 aux travaux publics, et 2,556 à l'emprisonnement.

Ainsi les tribunaux militaires ont acquitté près d'un tiers des prévenus. La peine de mort n'a pas été appliquée dans la proportion de 1 sur 4,000 ; 521 condamnés ont été frappés d'une peine afflictive et infamante, le reste a été jugé correctionnellement ; car le boulet et les travaux publics sont des peines correctionnelles prononcées par la loi militaire, la première pour le délit de désertion accompagné de circonstances offrant beaucoup de gravité ; la seconde pour la désertion simple, ou la vente soit du cheval, soit des effets d'armement, d'habillement ou d'équipement fournis par l'etat.

En outre, la juridiction des conseils de guerre, aux termes de la loi du 13 Brumaire, an V, devant s'étendre aux indigènes des pays conquis, les conseils de guerre établis dans l'Afrique, à Alger, à Oran et à Bône, ont exercé leur juridiction criminelle, non seulement sur les troupes stationnées dans ces provinces, mais aussi, comme il a été déjà indiqué, sur les habitans eux-mêmes.

La portion de la population de ces contrées qu'est trouvée soumise à la loi militaire peut s'évaluer à-peu-près ainsi :

| | |
|---|---|
| Pour Alger, environ . . . . . | 21,000 |
| Pour Oran, environ . . . . . | 3,000 |
| Pour Bône, environ . . . . . | 500 |
| ce qui présent un total de . . . . . | 24,500 habit. |

Pendant l'année 1832 les conseils de guerre ont jugé 75 indigènes, ce qui donne la proportion d'environ 1 sur 326.

De ces 75 indigènes des possessions d'Afrique, 13 ont été condamnés à mort, 4 aux travaux forcés, 2 à la réclusion, 3 aux travaux publics, 6 à l'emprisonnement; en total 28 ont été condamnés, 47 ont été acquittés. La proportion des acquittemens est ici d'un peu plus des trois cinquièmes.

Il résulte de tout ce qui précède que pendant le cours de l'année 1832 les conseils de guerre ont jugé 6,933 prévenus; que 106 ont été condamnés à mort, 395 aux travaux forcés, 132 à la réclusion, 308 au boulet, 1,152 aux travaux publics, 2,562 à l'emprisonnement. En conséquence, 4,655 ont été condamnés, 14 renvoyés pour incompétence devant les tribunaux ordinaires, et 2,264 ont été acquittés.

Pour la duré du temps de la procédure, c'est-à-dire sous le rapport du temps pendant lequel les hommes sont restés en détention comme prévenus, il y en a eu 1,555 de jugés dans le mois même du délit, 2,267 dans les deux mois du délit, et 3,111 après deux mois.

Les incidens des divers procès, leur nature, ainsi que le nombre et l'éloignement des témoins, ont fait varier les délais.

Comme plusieurs affaires étaient collectives pour les 6,933 individus traduits devant les conseils de guerre, il n'a été rendu que 6,307 jugemens ; 24,064 témoins ont été entendus, et les frais de procédure se sont élevés à la somme de 156,217 fr. 97 c.

Les condamnations prononcés n'ont pas toutes reçu leur exécution ; un grand nombre a donné lieu au recours à la clémence royale, et jusqu'au mois de Septembre dernier inclusivement, 1,708 condamnés à des peines plus ou moins graves en ont éprouvé le bienfait.

Ces grâces toutefois, accordées par Votre Majesté sur des propositions spéciales auxquelles concourent les deux départemens de la justice et de la guerre, motivées soit sur la recommandation expresse des juges militaires, soit sur des considérations dont l'inflexibilité de la loi ne leur avait pas permis de tenir compte, soit enfin sur les preuves de repentir et d'amendement donnés par les condamnés, ont toujours eu pour but de mettre le châtiment en proportion avec la gravité des délits ; et d'après cela, elles se divisent en grâces proprement dites, ou remise entière de la peine, en commutation de peine, et en diminution d'une partie de la durée de la condamnation.

Sur les 4,655 condamnés en 1832, 1,152 ont obtenu, savoir ; 496 grâces entières et 656 commutations de peine ; d'où il résulte qu'environ un quart des condamnations a été réduit jusqu'à ce jour.

Sur les 106 condamnations capitales, 13 seulement ont été mises à execution, et dans les pays étrangers occupés militairement (1).

(1) Nota. Ces treize condamnations se divisent ainsi:

| | | | |
|---|---|---|---|
| Troupes françaises—En Morée . . | assassinat . . . . . | 1 | |
| En Afrique . | *id* . . . . . | 1 | 4 |
| *Id* . . . | voies de fait envers supérieurs . . . | 2 | |
| Légion étrangère . . . . | assassinat . . . . . | | 1 |
| Indigènes d'Afrique . . . . | assassinat . . . . . | 3 | |
| | embauchage . . . . . | 3 | 8 |
| | espionnage et trahison . . . . . | 2 | |
| | Total . . . | | 13 |

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Les peines infamantes des travaux forcés et de la réclusion prononcées contre des militaires pour faits d'insubordination, ont été commuées, avant tout commencement d'exécution, en peines correctionnelles d'emprisonnement et de travaux publics, de manière à ce que des hommes coupables de fautes dont la répression sévère est commandée par l'intérêt de la discipline, mais qui ne supposent point la dégradation des sentimens et du caractère, ne fussent point perdus pour l'armée et la société.

Il a été encore accordé 464 grâces entières et 92 commutations de peines pendant l'année 1832, mais ces deux derniers nombres s'appliquent à des condamnations prononcées antérieurement à l'année 1832; ils n'ont été compris dans le chiffre total de 1,708 que pour présenter le résultat complet de l'administration de la justice militaire pendant l'année qui s'est écoulée.

*Spécification des Délits.*

Si l'on examine maintenant les proportions qui existent entre les différentes natures des délits, on trouve les résultats suivans:

*Désertion.*

La désertion simple à l'intérieur est la plus nombreuse: sur les 6,858 militaires mis en jugement pendant le cours de l'année 1832, elle en compte 1,154, c'est-à-dire environ un sixième: ensuite vient la désertion à l'intérieur avec armes ou effets militaires: 472 individus ont été traduits devant les conseils de guerre pour ce fait. La désertion à l'étranger n'offre que 92 prévenus; la désertion à l'intérieur par récidive, 68; la désertion à l'ennemi ou devant l'ennemi, 33; enfin la désertion à l'intérieur, non individuelle ou par complot, 20 seulement.

*Délits Militaires autres que la Désertion.*

Les plus fréquens de ces délits sont la vente, la mise en gage, la dissipation des effets d'armement, de grand et de petit équipement, d'habillement, de linge et chaussure. Sur le nombre de 6,858 des militaires mis en jugement, ces délits présentent seuls 2,033 prévenus, c'est-à-dire près d'un tiers.

Les délits classés au chapitre du vol, de l'infidélité et de la corruption, offrent 1,266 prévenus.

Les délits classés au chapitre de l'insubordination, qui comprehend depuis le simple refus d'obéissance jusqu'aux voies de fait envers un supérieur, en ont 873; et les délits classés au chapitre de la trahison, de l'espionnage et de l'embauchage n'ont eu que 45 prévenus.

Il est à remarquer que, pour la désertion comme pour les autres délits militaires, ceux qui offrent le moins de gravité ont été les plus fréquens, tandis que l'on descend, par une décroissance de nombre très sensible, aux délits ou aux crimes qui annoncent la dégradation des sentimens et une véritable perversité.

*Délits communs prévus par la Loi ordinaire.*

Jusqu'ici il n'a été question que des délits prévus et punis par les lois militaires; il s'agit maintenant des délits commis par des individus appartenant à l'armée, mais pour la répression desquels les conseils de guerre ont dû recourir aux lois pénales ordinaires.

Dans cette classe de délits, les vols envers particuliers ont été le plus nombreux; 401 individus ont été mis en jugement pour des faits de cette nature; ce nombre est environ un dix-septièmes du chiffre 6,933, qui forme le total des individus mis en prévention.

Les assassinats, les meurtres, les violences présentent ensuite un nombre de 235 prévenus.

Le viol ou les attentats aux mœurs n'en offrent que 18; les délits autres que ceux qui viennent d'être spécifiés donnent ensemble le nombre de 223.

Il en résulte donc que dans les infractions punies par les lois pénales ordinaires, les attentats à la propriété ont eu un plus grand nombre de prévenus, ensuite les attentats graves contre les personnes; puis, dans une faible proportion, ceux qui intéressent les mœurs.

Après avoir parlé des délits en eux-mêmes, il devient nécessaire de s'occuper des hommes qui les ont commis. Le compte que je présente à Votre Majesté les a classés d'abord sous le rapport du titre auquel ils sont entrés au service, ensuite sous celui de l'arme à laquel ils appartenaient, et enfin sous celui du grade ou rang qu'ils occupaient dans l'armée lors de la mise en jugement.

*Titre sous lequel les Prévenus étaient entrés au Service.*

Sur le nombre de 6,858 prévenus 2,806 ont été des enrôlés volontaires. Ceux-ci comptent donc pour plus d'un tiers du chiffre total, un peu moins de sept dix-septièmes.

Les jeunes soldats, c'est-à-dire ceux qui ont été appelés par le sort, présentent un nombre de 1,693 ayant paru devant les conseils de guerre; c'est moins du quart du nombre total, et un peu plus de quatre dix-septièmes.

Les remplaçans offrent un nombre de 2,357 prévenus; c'est-à-dire plus d'un tiers, et un peu moins de six dix-septièmes du chiffre des militaires jugés. En résumé, on voit que, sur 17 militaires mis en jugement, la proportion est approximativement de 7 enrôlés volontaires, 6 remplaçans, 4 provenant des appels.

Si l'on considère que ces derniers forment le fonds de l'armée, qu'ils y ont sur les deux autres classes d'enrôlés une immense supériorité numérique, on peut juger combien l'avantage est de leur côté; et ce résultat vient confirmer ce que beaucoup d'autres documens constatent déjà combien les élémens fournis à l'armée par la voie des appels sont en général préférables à ceux qui y entrent par l'enrôlement volontaire ou à titre de remplaçant.

Les élèves des écoles militaires n'ont eu qu'un seul prévenu pendant l'année 1832; il a été acquitté.

Les gagistes, c'est-à-dire les individus engagés dans les régimens, en vertu d'un contrat civil, pour y exercer un art ou une industrie (tels sont les musiciens gagistes, les tailleurs, bottiers, ou cordonniers, etc.), n'ont présenté également qu'un seul prévenu, qui a été aussi acquitté.

*Armes auxquelles appartenaient les Prévenus.*

L'infantérie offre à elle seule 3,996 prévenus, ce qui fait, comparativement au chiffre 6,858, plus de moitié des militaires mis en jugement. Ce nombre, supérieur à celui que présentent toutes les autres armes, s'explique, si l'on considère qu'en 1832 l'infanterie de ligne et l'infanterie légère se composaient de 253,967 hommes, ce qui donne moins de 1 sur 62, et qu'en général le fantassin peut disposer de plus de temps, et rencontre par conséquent plus d'occasions de faillir.

La cavalerie, sur un effectif de 46,569 hommes, présente 626 prévenus, ce qui donne environ 1 sur 75.

L'artillerie, composé de 34,549 hommes, a compté 493 prévenus; la proportion est ici d'environ 1 sur 70.

Le génie, qui comprend 7,677 hommes, a eu 97 militaires mis en jugement, ce qui donne 1 sur 79.

Les équipages militaires, formés de 4,146 hommes, ont traduit devant les conseils de guerre 50 prévenus; ce qui donne pour nombre proportionnel 1 sur 82.

Les compagnies sédentaires, comprenant les sous-officiers vétérans, les fusiliers vétérans et les canonniers vétérans, sur un total de 9,228 hommes, ont eu 198 prévenus; ce qui présente 1 sur 47 environ.

La gendarmerie, forte de 15,514 hommes, n'a eu que 15 prévenus; ce qui ne fait que 1 sur 1,034.

Ce dernier résultat mérite d'être remarqué; il constate combien le corps chargé spécialement du maintien de l'ordre public offre dans sa composition de solides garanties, et répond convenablement au but de son institution.

Les dépôts de recrutement, sur un nombre de 8,246 individus qu'ils étaient chargés de diriger sur les différens corps de l'armée, soit par suite d'enrôlemens volontaires, soit comme jeunes soldats, appelées par le sort, soit enfin comme remplaçans, ont fait traduire devant les conseils de guerre 513 hommes prévenus d'insoumission à la loi du recrutement; ce qui présente la proportion de 1 sur 16.

Sur les bataillons d'infanterie légère d'Afrique créés par ordonnance du 3 Juin 1832, il n'en avait encore été formé qu'un durant la période à laquelle s'applique ce compte de l'administration de la justice; ce premier bataillon présentait un effectif de 787 hommes, sur lesquels il y a eu 43 prévenus; ce qui donne la proportion de 1 sur 18.

La légion étrangère, qui comptait, en 1832, 4,622 hommes, et les Zouaves, qui se composaient alors de 1,374 hommes, formant un total de 5,996 militaires, ont eu 324 prévenus; en conséquence, le nombre des hommes mis en jugement est aussi dans la proportion de 1 sur 18.

Les compagnies de discipline avaient, en 1832, 1,728 hommes; elles ont fourni 383 prévenus, ce qui donne 1 sur 5.

Ce chiffre proportionnel surprendra moins, si l'on considère que ces compagnies de discipline sont un moyen d'épreuve, soit pour les jeunes soldats qui ont simulé des infirmités pour se soustraire au service, soit pour les militaires incorrigibles dans leurs régimens, dont les fautes disciplinaires ont été si nombreuses, et envers lesquels les répressions de simple discipline ont été si fréquemment employées, qu'il ne reste plus qu'à les soumettre à un régime militaire spécial. Ces compagnies, pendant l'année 1832, étaient ainsi composées, savoir:

| | |
|---|---|
| Jeunes soldats . . . . . | 250 |

Un tiers de ce nombre représente les jeunes soldats ayant simulé des infirmités pour se soustraire au service;

| | |
|---|---|
| Engagés volontaires . . . . . | 613 |
| Remplaçans . . . . . | 865 |

Ainsi pour les compagnies de discipline, ce sont les engagés volontaires et surtout les remplaçans qui recrutent presque à eux seuls ces corps de punition.

Les ateliers des travaux avec boulet et ceux dit *des travaux publics*, établis pour les militaires seuls et destinés à recevoir les condamnés pour faits de désertion, ou pour vente d'effets appartenant à l'état, fournissent aussi un nombre de prévenus; car outre les délits qui peuvent être commis pendant la détention dans les ateliers, la simple évasion est un délit prévu par la loi militaire, qui entraîne une augmentation de peine ou une peine plus sévère, et qui amène par conséquent les détenus devant les conseils de guerre.

Pendant l'année 1832, les ateliers de travaux publics ont compté 989 détenus; ceux de travaux avec boulet 194. L'effectif de ces deux natures d'ateliers forme un total de 1,183 hommes, parmi lesquels 120 ont reparu devant les tribunaux militaires; ce qui donne le chiffre proportionnel de 1 sur 10.

*Grade ou Rang que les Prévenus occupaient dans l'Armée lors de leur mise en Jugement.*

Les officiers en général, sur un total de 16,642, ont eu 15 prévenus, ce qui donne 1 sur 1,108.

Les sous-officiers, composés de 20,534 hommes, ont eu 176 prévenus, ce qui donne 1 sur 117 environ.

Les caporaux ou brigadiers, qui comptent 26,012 hommes, ont eu 216 prévenus, ce qui donne 1 sur 120.

Enfin les soldats composant l'armée en 1832, comprenant aussi les musiciens, tambours, trompettes, ouvriers, etc., et présentant un nombre total de 325,214 hommes, défalcation faite des officiers, sous-officiers, caporaux ou brigadiers, ont eu 6,451 prévenus, qui donne pour terme moyen 1 sur 50 environ.

Après avoir envisagé les hommes mis en jugement sous le rapport du titre auquel ils servaient, de l'arme à laquelle ils appartenaient, et de leur rang dans l'armée, il reste à considérer le temps de service fait au moment de leur comparution devant les conseils de guerre.

Parmi les militaires ayant moins d'un an de service, 897 ont été mis en jugement pour désertion, 817 pour autres délits;

Parmi ceux qui avaient d'un à quatre ans de service, 649 ont été mis en prévention comme déserteurs, et 2,466 comme présumés coupables d'autres délits;

Depuis quatre jusqu'à six ans de service, 169 ont été prévenus de désertion, 869 ont été d'autres délits;

De six à huit ans de service (car il faut remarquer que, durant la période dont il s'agit, les militaires enrôlés volontaires, remplaçans ou appelés par le sort, devaient huit ans de service conformément à la loi du 10 Mars 1818; celle du 21 Mars 1832, sur le recrutement, n'ayant encore produit aucun résultat sur la composition de l'armée), 72 ont été traduits en jugement pour désertion, et 481 pour autres délits;

Enfin, parmi ceux qui avaient plus de huit ans de service, 64 ont été poursuivis comme déserteurs, et 374 comme auteurs d'autres délits.

Une remarque ne doit pas échapper ici: c'est que, dans les premiers mois du service militaire, le délit le plus fréquent est celui de désertion, qui diminue sensiblement à mesure que les années de service augmentent, et que, pour les autres délits, ils ont été plus fréquemment commis dans l'intervalle de un à six ans de service.

Quant à la désertion, les exigences du service, comparées aux habitudes de famille, l'inexpérience et l'ignorance des rigueurs de la loi, expliquent pourquoi ce délit est d'abord plus fréquent.

Pour les autres délits, il faut considérer que les jeunes gens appelés au service militaire sont pris dans leur vingt-unième année; que l'intervalle de vingt à trente ans est l'époque de la vie où les passions se développent; et si l'on ajoute l'influence des idées que fait naître le métier aventureux des

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armes, l'abus facile de la force, les loisirs mal employés, on concevra facilement pourquoi les militaires qui comptent de un à six ans de service donnent un plus grand nombre de prévenus que ceux qui sont en deçà ou au delà de cette période.

Une dernière analyse a eu pour objet de présenter les hommes mis en prévention sous le rapport de l'instruction primaire. Ils ont été divisés en deux classes: ceux qui ont pu signer leur interrogatoire comme sachant lire et écrire, et ceux qui n'avaient aucun degré d'instruction.

Sur le nombre total de 6,933 individus traduits en jugement, 3,676 savaient lire et écrire; 3,257 ne possédaient aucun élément d'instruction primaire: la différence sur les hommes ne sachant ni lire ni écrire n'est donc, pour les premiers, que de 419, ce qui présente entre les deux classes le rapport approximatif de 17 à 15.

Je dois faire observer à Votre Majesté que le chiffre de l'effectif de l'armée, en 1832, pris dans ce travail pour un des termes de comparaison, ne peut pas se trouver exactement en rapport avec celui qui doit figurer dans les divers documens relatifs à la comptabilité financière. En effet, les comptes de dépenses et de consommations pour solde et prestations de différent nature, ont pour base l'établissement des journées de présence, en sorte que les déserteurs, par exemple, n'y figurent point, tandis que dans le compte de la justice les déserteurs sont compris. D'un autre côté, l'action des conseils de guerre ne s'exerce pas sur les militaires voyageant isolément, les officiers en congé avec portion de leur solde, etc., tandis que le budget des dépenses les compte, puisqu'ils reçoivent une prestation sur les fonds de l'état.

C'est de l'obligation d'opérer sur des bases différentes, d'admettre ou de rejeter tels ou tels élémens de numération, que résultent nécessairement des différences en plus ou en moins, bien que le chiffre de part et d'autre n'en soit pas moins exact.

Telles sont, Sire, les considérations sommaires dont j'ai cru devoir accompagner, en le mettant sous les yeux de Votre Majesté, le tableau de l'administration de la justice militaire pendant l'année 1832. Il m'a paru que, de l'étude des résultats qu'il présente, il pourrait sortir des indications d'une utilité plus ou moins directe, soit pour l'organisation de l'armée, soit pour l'amélioration des divers systèmes disciplinaires, soit enfin pour le perfectionnement de la législation militaire elle-même.

Ce travail de la part du département de la guerre avait été projeté à diverses reprises: mais les essais tentés pour son exécution avaient rencontré jusqu'ici d'assez graves difficultés: que je me félicite d'avoir pu surmonter. Les documens fournis par les tribunaux militaires, et qui ont servi à l'établir, sont exacts et nombreux; toutefois il m'a paru qu'ils devraient à l'avenir présenter quelques développemens nouveaux et des classifications plus précises. Les modifications nécessaires sont prescrites en conséquence. Si donc ce relevé manque encore de quelques détails qui permettent de multiplier les points de vue sous lesquels les militaires instruits, les jurisconsultes, les législateurs voudront en envisager les résultats, j'ai lieu d'espérer que, continué d'année en année et perfectionné par l'expérience, il pourra être successivement amené au point de présenter un ensemble satisfaisant.

*Le Président du Conseil, Ministre de la guerre,*
*Signé* M^al^ DUC DE DALMATIE.

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No. 15.—*RAPPORT AU ROI, sur l'Administration de la Justice Militaire pendant l'année* 1833.

SIRE,

J'ai l'honneur de mettre sous les yeux de Votre Majesté le compte général de l'administration de la justice militaire pendant l'année 1833.

En présentant pour la première fois un compte de cette nature, celui de l'année 1832, l'un de mes prédécesseurs, M. le Maréchal duc de Dalmatie, annonçait que des instructions étaient données pour que les états qui le composent présentassent à l'avenir quelques développemens nouveaux et des classifications plus précises. C'est aux mesures prescrites dans ce but que je dois d'être à portée de livrer à la publicité les documens plus étendus que renferment les six tableaux ci-annexés.

Ces tableaux offrent, comme pour l'année 1832, d'abord la classification des délits, mais avec plus de détail; ensuite le classement des militaires sous les rapports du titre auquel ils étaient entrés au service; de l'arme à laquelle ils appartenaient; du grade ou du rang qu'ils avaient; du temps de service fait, et enfin du degré d'instruction acquise. Ces divisions, qui présentent ainsi sous différents points de vue la position des hommes au moment de leur mise en jugement, permettant d'établir des comparaisons d'autant plus utiles pour apprécier l'état moral de l'armée, qu'elles fournissent des données assez étendues quant à la nature des crimes et des délits.

Ces comparaisons résultant du rapprochement qui est fait entre l'action des tribunaux militaires et l'effectif des troupes sur lesquelles cette action s'exerce, il est à cet égard une observation qu'il ne faut pas perdre de vue, c'est que cet effectif, pour la justice militaire, ne peut pas être le même que celui qui doit figurer dans les divers documens relatifs à la comptabilité financière. En effet, d'une part, celle-ci, comptant par journées de présence, ne comprend pas les déserteurs, tandis qu'ils figurent pour la justice militaire; de l'autre, elle compte, au contraire, les militaires voyageant isolément, les officiers en congé avec portion de solde, &c., et les militaires, les officiers, dans ces divers cas, ne sont pas justiciables des conseils de guerre. Il est donc certain qu'il se rencontre nécessairement des différences dans les éléments de numération, bien que de part et d'autre le chiffre soit parfaitement exact.

Cette considération doit donc rester présente dans l'examen des calculs qui vont suivre, et soit qu'il s'agisse du total général de l'effectif de l'armée, soit que l'on ne s'occupe que de chacun des corps qui la composent, on se rappellera qu'il n'est ici question que des militaires soumis à la juridiction des tribunaux de l'armée.

En 1833 l'armée se composait de 398,281 hommes, y compris la garde municipale et les sapeurs-pompiers de la ville de Paris, 6,881 militaires ont été mis en jugement; ce qui donne la proportion moyenne de 1 sur 58. Toutefois dans ce nombre 6,881 sont compris 32 indigènes de l'Afrique, lesquels, aux termes de la loi du 13 Brumaire, an V, et de l'organisation judiciare établie pour cette contrée, se trouvaient justiciables des conseils de guerre. Sur ce même nombre 6,881, neuf ont été renvoyés devant les tribunaux ordinaires, pour cause d'incompétence; 2,200 ont été acquittés, et 4,672 condamnés, savoir: 93 à mort; 309 aux travaux forcés ou aux fers; 140 à la réclusion; 400 au boulet; 762 aux travaux publics; 2,961 à l'emprisonnement, et 7 à l'amende.

Ainsi les conseils de guerre ont acquitté près d'un tiers des prévenus. Si l'on considère maintenant dans quelle proportion ont été infligées les peines afflictives et infamantes, on trouve que la peine de mort a été appliquée dans la proportion de 1 sur 4,336; que celle des fers ou travaux forcés l'a été

dans le rapport de 1 à 1,288; enfin que celle de la réclusion l'a été dans celui de 1 à 2,845. Pour les peines correctionnelles, la première qui se présente est le boulet, peine toute militaire, grave par sa durée et ses accessoires, mais qui n'a aucun effet différent de celle des travaux publics et de l'emprisonnement. Elle a été appliquée dans la proportion de 1 sur 995; celle des travaux publics dans le rapport de 1 à 522; et celle de l'emprisonnement dans celui de 1 à 134.

Comme il a été dit plus haut, l'action des conseils de guerre établis à Alger, Bône, Bougie et Oran, s'est étendue sur les indigènes de cette partie de l'Afrique. La population qui y a été soumise peut s'évaluer ainsi, mais par approximation seulement:

| | |
|---|---|
| Pour Alger | 20,000 |
| Pour Bône | 1,800 |
| Pour Bougie | 150 |
| Pour Oran | 3,000 |
| Pour Mostaganem | 1,600 |
| Ce qui donne un total de | 26,550 habitants. |

Pendant l'année 1833 les conseils de guerre ont jugé 32 indigènes: ce qui donne la proportion de 1 sur 829.

Parmi ces 32 indigènes mis en jugement, 12 ont été acquittés et 20 condamnés, savoir: 9 à mort; 3 aux travaux forcés; 1 à la réclusion; 6 à l'emprisonnement, et 1 à l'amende.

La proportion des acquittements est ici de plus du tiers.

Pour la durée du temps de la procédure, c'est-à-dire du temps durant lequel la détention préventive s'est continuée, 1,820 prévenus ont été jugés dans le mois du délit; 1,888 dans les deux mois, et 3,173 après les deux mois. Ces différences résultent des incidents survenus dans le cours des divers procès, de leur nature ainsi que du nombre et de l'éloignement des témoins.

Comme il arrive quelquefois que plusieurs prévenus sont impliqués dans une seule et même affaire, pour les 6,881 individus qui ont comparu devant les conseils de guerre, il n'a été rendu que 6,471 jugemens; et si l'on retranche de ce nombre 104 jugemens annulés, 21 jugemens avant faire droit, ordonnant de plus amples informés, et 6 jugemens de renvoi pour cause d'incompétence, on n'aura que 6,340 sentences de rendues.

Pour ce nombre total de 6,471 jugemens, 18,963 témoins ont été étendus, et les frais de procédure se sont élevés à 129,740 francs.

Les condamnations prononcés n'ont pas toutes reçu leur exécution. Un certain nombre a donné lieu à des recours à la clémence royale, et, jusqu'au 31 Décembre, 1834, 1,743 condamnés en ont éprouvé le bienfait. Ce nombre, toutefois, et la dernière époque indiquée, demandent ici quelques explications. Des lettres de grâce, des commutations et reductions de peine on été accordés:—

1. Pendant l'année 1833, à des militaires condamnés dans le cours de ladite année;

2. Pendant l'année 1833 (à partir du 27 Septembre, 1833), à des militaires condamnés antérieurement à ladite année;

3. Pendant l'année 1834, à des militaires condamnés en 1833 et antérieurement.

Ces grâces accordés par votre Majesté, sur des propositions spéciales auxquelles concourent les deux départements de la justice et de la guerre, ont été motivées soit sur la recommandation des juges militaires, soit sur des considérations dont l'inflexibilité de la loi n'avait pas permis aux conseils de guerre de tenir compte, soit enfin sur les preuves de repentir et d'amendement données par les condamnés.

Ces mêmes grâces se divisent, comme on l'a indiqué plus haut, en grâces proprement dites ou remise entière de la peine, en commutation et en diminution d'une partie de la durée de la peine.

Sur les 4,672 condamnés en 1833, 284 ont obtenu, savoir: 33, grâce entière; 244, commutation de peine; et 7, réduction de la durée de leur condamnation.

Mais, ainsi que la remarque en a été faite ci-dessus, il a été encore accordé, à partir de Septembre, 1833 (date où s'arrête, sous le rapport des grâces obtenues, le compte rendu de l'administration de la justice militaire pendant l'année 1832), et jusqu'à la fin de l'année 1834, 1,095 grâces entières, 183 commutations, et 181 réductions de peine.

Les trois derniers nombres se rapportent à des condamnations prononcées soit antérieurement à 1833, soit pendant le cours de cette même année.

Avant de passer à la spécification des délits, on doit ajouter que sur les 93 condamnations capitales, 23 seulement ont été mises à exécution, 2 en France, et 21 dans les pays étrangers occupés militairement.

Ces 23 exécutions se divisent ainsi:

| | | |
|---|---|---|
| Exécutions en France pour assassinat | | 2 |
| Troupes françaises en Afrique | | |
| | Assassinats | 3 |
| | Désertion à l'ennemi | 3 |
| | Voies de fait envers supérieurs | 1 |
| | Pillage | 2—9 |
| Légion étrangère. | | |
| | Pillage | 1 |
| | Désertion à l'ennemi | 3—4 |
| Indigènes d'Afrique. | | |
| | Assassinat | 2 |
| | Espionnage | 5—7 |
| Zouaves (1 Africain.) | | |
| | Désertion à l'ennemi | 1 |
| | Total | 23 |

Quant aux peines infamantes prononcées contre des militaires pour faits d'insubordination, la plupart, avant que les sentences aient reçu le commencement d'exécution qui leur imprime le sceau de l'infamie, ont été commuées dans les peines correctionnelles, soit du boulet, soit des travaux publics, soit de l'emprisonnement, de manière à ce que des hommes coupables de fautes dont la répression

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sévère est commandée par l'intérêt de la discipline, mais qui ne supposent point la dégradation des sentiments et du caractère, ne fussent pas perdus pour l'armée et la société, lorsque de bons services et des antécédents recommandables militaient en leur faveur.

*Spécification des Délits.*

En examinant les proportions qui existent entre les différentes natures de délits, on trouve les résultats suivants :

*Crimes et Délits Militaires.*

*Désertion.*

Les diverses espèces de désertion comptent 1,198 prévenus mis en jugement. Sur 6,881, nombre total des hommes traduits devant les conseils de guerre, c'est moins qu'un cinquième, et c'est dans la proportion de 1 sur 332, relativement à l'effectif de l'armée. La désertion simple a l'intérieur est la plus fréquente : elle a eu 702 prévenus, ce qui fait les sept-douzièmes de 1,198. La désertion á l'intérieur avec armes ou effets en compte 309 ; la désertion de l'armée ou d'une place de première ligne, 75 ; la désertion simple à l'étranger, 42 ; la désertion à l'ennemi ou devant l'ennemi, 23 ; la désertion à l'intérieur par récidive, 14 ; la désertion à l'intérieur, non individuelle ou par suite de complot, aussi 14 ; la désertion après grâce, 10 ; la désertion à l'intérieur, étant de service ou avec escalade des remparts, 4 ; la désertion à l'étranger, y ayant pris du service, ou par récidive, 3 ; enfin la désertion comme chef de complot, 2. La désertion étant en faction n'a point eu de prévenu pendant l'année 1833.

*Insoumission.*

L'insoumission ou la désobéissance à la loi du recrutement de l'armée présente 1,663 prévenus : c'est le quart environ des 6,881 hommes mis en jugement, et 1 sur 239 de l'effectif de l'armée.

Ce nombre paraîtra moins considérable, si l'on fait attention que le service militaire arrache les jeunes gens aux douceurs de la vie intérieure de famille, aux affections, aux souvenirs, de l'enfance, et que l'attachement au sol natal est un sentiment qui exerce une influence d'autant plus grande sur l'esprit des jeunes soldats, que le temps même ne l'efface pas complétement de cœur des vieux militaires. De tout ce qui précède, il résulte que :

Le total de la désertion et de l'insoumission est de 2,861 prévenus : ce qui fait les 5-12$^{es}$ des mises en jugement.

*Trahison, Espionnage, Embauchage.*

15 prévenus seulement, sur 6,881, ont passé devant les conseils de guerre pour des faits qui se rattachent à la politique, et qui ne se commettent qu'à l'instigation et dans l'intérêt d'esprit de parti. Ce petit nombre, qui offre le rapport de 1 sur 26,552, comparativement à l'effectif de l'armée, prouve que les troupes restent étrangères aux passions politiques, parce qu'elles comprennent leurs devoirs et l'intérêt du pays.

*Insubordination.*

Ce délit, qui comprend depuis le refus formel d'obéissance jusqu'aux voies de fait envers supérieurs, compte 560 prévenus : c'est 1 sur 12 des hommes mis en jugement, et 1 sur 711 du nombre de l'effectif de l'armée.

*Vol, Infidélité, Malversation, Corruption des Fonctionnaires.*

15 prévenus ont comparu devant les tribunaux militaires : la proportion est la même que pour la trahison, l'espionnage et l'embauchage.

*Vol des Deniers ou Effets appartenant à l'Etat ou à des Militaires, par des Militaires qui en sont comptables.*

93 militaires ont été mis en jugement pour ces faits : c'est 1 sur 74 du nombre total des hommes mis en jugement, et 1 sur 4,282 du nombre de l'effectif des troupes.

*Vol chez son Hôte.*

Ce délit, qui offre le plus grave abus de l'hospitalité que les citoyens sont obligés d'offrir aux militaires, n'a présenté que 44 prévenus : c'est 1 sur 9,052, relativement à l'effectif de l'armée, et sur 156 du nombre total des hommes mis en jugement.

*Vol des Deniers ou Effets appartenant à l'Etat ou à des Militaires, par des Militaires qui n'en sont pas comptables.*

543 hommes ont été mis en prévention pour ces faits. Ce nombre donne 1 sur 13 du nombre total des mises en jugement, et 1 sur 733 du nombre de l'effectif des troupes.

*Vente d'Effets d'Habillement, d'Armement, de Campement et de Grand Equipement.*

379 prévenus ont passés en jugement : c'est 1 sur 18 du nombre total des prévenus, et 1 sur 1,050 de celui de l'effectif de l'armée.

*Vente d'Effets de Petit Equipement et Dissipation ou Mise en Gage d'Effets d'Habillement, d'Armement, de Campement, et de Grand Equipement.*

1,183 individus ont comparu, pour ces faits, devant les conseils de guerre : c'est 1 sur 6 du nombre des mises en jugement, et 1 sur 336 de celui de l'effectif des troupes.

*Pillage, Dévastation, Incendie.*

21 prévenus ont paru devant les tribunaux militaires pour ces faits. La proportion de ce nombre est de 1 sur 328 du total des mises en jugement, et de 1 sur 18,966 de l'effectif de l'armée.

*Vol, en prenant par Fraude et sans payer à boire et à manger.*

32 prévenus de ce délit avec les circonstances de menaces et de violences ont paru en jugement. La proportion est de 1 sur 215 du total des mises en jugement, et de 1 sur 12,446 de l'effectif de l'armée.

*Même délit que ci-dessus, sans Menaces ni Violences.*

52 militaires ont été mis en jugement : c'est 1 sur 132 du nombre des prévenus, et 1 sur 7,659 de celui de l'effectif de l'armée.

*Faux par Supposition de Personnes, en écritures ou autres.*

23 ont passé en jugement: c'est 1 sur 286 du total des prévenus, et 1 sur 16,595 de l'effectif de l'armée.

*Evasion de Détenus.*

La simple évasion des ateliers des travaux avec boulet et des travaux publics, est un délit prévu et réprimé par l'arrêté du gonvernement du 19 vendémiaire an 12.

7 individus ont été mis en jugement pour évasion des ateliers des travaux avec boulet: ce qui, sur le nombre total, 727, des hommes formant durant l'année l'effectif moyen de ces ateliers, offre la proportion de 1 sur 104.

77 condamnés se sont évadés des ateliers des travaux publics et ont paru en jugement pour ce fait: sur 1,500, effectif moyen desdits ateliers, c'est 1 sur 19 à 20.

Enfin, pour des délits militaires autres que ceux qui sont ci-dessus indiqués, il y a encore eu 194 prévenus: c'est 1 sur 35 du nombre des mises en jugement, et 1 sur 2,053 de celui de l'effectif de l'Armée en 1833.

Le total des délits militaires autres que ceux de désertion et d'insoumission, présente 3,239 individus mis en jugement: ce qui fait près de moitié du nombre total des prévenus.

*Délits communs prévus par la loi ordinaire et jugés par les tribunaux militaires.*

*Fausse Monnaie.*

6 prévenus ont été mis en jugement: c'est 1 sur 1,147 du nombre total des mises en prévention, et 1 sur 66,380 de celui de l'effectif de l'Armée.

*Evasion de Détenus, avec Violences ou Bris de Prison.*

5 prévenus ont été mis en jugement: c'est 1 sur 1,376 du nombre des mises en jugement, et 1 sur 79,656 de l'effectif de l'Armée.

*Dégradations de Monumens Publics.*

52 hommes ont paru devant les conseils de guerre pour des faits de cette nature: c'est 1 sur 132, comparativement au nombre des prévenus, et 1 sur 7,659, comparativement à celui de l'effectif de l'Armée.

*Cris séditieux.*

11 militaires seulement ont comparu devant les tribunaux militaires pour ce délit. Ce nombre, qui offre la proportion de 1 sur 625 du total des mises en prévention, et 1 sur 36,207 de celui de l'effectif des troupes, confirme la remarque déjà faite, que l'esprit de parti trouve peu d'auxiliaries dans les rangs de l'Armée.

*Meurtres.*

22 prévenus de ce crime ont été jugés: c'est 1 sur 312 des mises en prévention, et 1 sur 18,103 du nombre des troupes soumises à l'action de la justice militaire.

*Assassinats.*

29 crimes de cette nature ont amené un pareil nombre de militaires devant les conseils du guerre. Ce nombre offre la proportion de 1 sur 248 du total des prévenus, et 1 sur 13,733 de l'effectif de l'Armée.

*Coups et Blessures volontaires.*

Les voies de fait, qui présentent bien moins de gravité que les deux catégories de crime dont on vient de parler, ont amené 176 prévenus devant les conseils de guerre, chiffre plus que triple des deux nombres réunis des prévenus de meurtre et d'assassinat. Ce nombre 176 donne la proportion de 1 sur 39 du total des mises en jugement, et 1 sur 2,262 de l'effectif de l'Armée.

*Homicide ou Coups et Blessures involontaires.*

23 militaires ont passé en jugement pour faits de cette nature: c'est 1 sur 299 du nombre total des prévenus, et 1 sur 17,316 de celui de l'effectif des troupes soumises à l'action des conseils de guerre.

*Attentat aux Mœurs.*

Ce crime, qui annonce la dépravation, n'a eu que 14 prévenus: c'est 1 sur 491 du nombre des mises en jugement, et 1 sur 28,448 de celui de l'effectif de l'Armée.

*Viol.*

Ce crime, qui renferme l'immoralité du précédent, avec une culpabilité plus grave, compte 13 prévenus: c'est 1 sur 528 du total des hommes mis en jugement, et 1 sur 30,637 de celui de l'effectif des troupes.

*Faux Témoignage.*

12 hommes en ont été inculpés; c'est 1 sur 573 du nombre total des prévenus, et 1 sur33,190 de celui de l'effectif de l'Armée.

*Vols qualifiés.*

90 militaires ont passé en jugement pour vols commis avec des circonstances qui donnent à ces faits le caractère de crimes: c'est 1 sur 76 du nombre des hommes mis en jugement, et 1 sur 4,425 du total de l'effectif de l'Armée.

*Vols non qualifiés, Larcins, Filouterie.*

Ces délits comptent un bien plus grand nombre de prévenus: 197 hommes ont passé en jugement: c'est 1 sur 34 du total des mises en prévention, et 1 sur 2,026 de celui de l'effectif de l'Armée.

*Escroqueries.*

23 prévenus de ce délit ont passé devant les conseils de guerre. Ce nombre offre la proportion sur 264 du nombre total des mises en jugement, et 1 sur 15,318 de celui de l'effectif de l'Armée.

Papers laid before the Commission by the French Officers.

*Abus de Confiance.*

12 préventions ont été jugées par les tribunaux militaires: c'est 1 sur 573 du nombre des hommes mis en jugement, et 1 sur 33,690 de celui de l'Armée.

*Destructions, Dégradations, Dommages commis sur les Propriétés Particulières.*

14 délits de cette nature ont amené un pareil nombre d'hommes devant les conseils de guerre. Ce nombre offre la proportion de 1 sur 491 du total des prévenus, et 1 sur 28,448 de celui de l'effectif de l'Armée.

Enfin, pour autres délits que ceux ci-dessus spécifiés, les tribunaux militaires ont encore jugé 82 prévenus.

Le nombre total des militaires mis en jugement pour délits communs est de 781; ce qui présente la proportion de 1 sur 9 du nombre des hommes traduits devant les conseils de guerre, et de 1 sur 509 de l'effectif des troupes soumises, en 1833, à l'action des tribunaux militaires.

*Titre sous lequel les Prévenus étaient entrés au service.*

Sur 6,881 prévenus, 2,262 enrôlés volontaires ont été traduits en jugement: ce qui présente la proportion d'un peu moins du tiers du total des mises en prévention.

Les jeunes soldats, c'est-à-dire ceux qui ont été appelés par le sort, donnent le nombre de 2,682 hommes jugés: ce sont les 3-8 des militaires mis en jugement.

Les remplaçans ont eu 1,800 prévenus, ou le quart du nombre total de ceux qui ont comparu devant les tribunaux militaires.

Bien qu'ici les remplaçans et ensuite les enrôlés volontaires semblent offrir un chiffre moins considérable de prévenus que les jeunes soldats appelés par le sort sous les drapeaux, il n'en résulte pas moins que ces derniers, qui forment le fond de l'Armée, et qui ont sur les deux autres classes de militaires une immense supériorité numérique, présentent pour l'année 1833 comme pour l'année précédente un nombre bien moins considérable de délits commis.

Quant aux élèves des écoles militaires, c'est-à-dire aux militaires qui sont entrés dans l'Armée à titre d'élèves sortant des écoles, ils n'ont eu qu'un seul prévenu qui a été acquitté.

Les gagistes, c'est-à-dire les hommes qui reçoivent un traitement et sont attachés aux régimens en vertu d'un contrat civil, pour y exercer un art ou une industrie (tels sont les musiciens gagistes, les tailleurs, bottiers, cordonniers, etc.), n'ont également présenté qu'un prévenu qui a été condamné à l'amende.

*Armes auxquelles appartenaient les Prévenus au jour de la mise en jugement.*

Les corps d'état-major et de l'intendance militaire n'ont fourni aucun prévenu aux conseils de guerre.

Les invalides en ont eu 3 sur 4,320, nombre auquel s'élève la population de l'hôtel royal des invalides et de sa succursale: c'est 1 sur 1,440.

La gendarmerie, la garde municipale, les sapeurs pompiers, ont eu 11 prévenus: sur 17,127 hommes dont se composent ces trois corps, c'est 1 sur 1,557.

L'infanterie de ligne et l'infanterie légère présentent 2,859 prévenus, sur 256,157 hommes dont se composent les 67 régimens de ligne et les 21 régimens légers, c'est un sur 89.

La cavalerie a fourni 445 prévenus: sur 48,062 militaires qui forment les 50 régimens de cavalerie, c'est 1 sur 108.

L'artillerie a eu 348 hommes traduits devant les conseils de guerre, sur 28,046 militaires que renferment les 14 régimens d'artillerie, c'est 1 sur 82.

Les pontonniers, les compagnies d'ouvriers d'artillerie, les escadrons du train des parcs d'artillerie ont eu 61 hommes mis en prévention: sur 7,801 militaires dont se compose ce corps, c'est 1 sur 127.

Le génie présente 54 prévenus sur 7,598 hommes dont ce corps est formé: c'est 1 sur 140.

Les ouvriers du génie ont donné 14 mises en jugement: sur les 149 hommes qui les composent, c'est 1 sur 10.

Le corps du train des équipages, les ouvriers du train des équipages, les ouvriers d'administration, les soldats d'ambulance, etc., ont offert 32 prévenus parmi les 5,837 militaires dont ils sont formés: c'est 1 sur 112.

Les compagnies sédentaires ou corps de vétérans ont envoyé 117 hommes devant les conseils de guerre. Ce nombre, comparé à celui de 8,016 qui est l'effectif des corps de vétérans, donne 1 sur 67.

Les officiers de santé, se composant de 1,440 hommes, ont eu 2 prévenus.

Les élèves des écoles militaires, durant leur séjour comme élèves dans les écoles, n'ont fourni aucun prévenu aux conseils de guerre.

Les employés brevetés ou commissionnés des administrations militaires, dont le nombre s'élève à 853, n'ont eu que deux prévenus traduits devant les tribunaux militaires.

Les dépôts de recrutement dans lesquels il ne faut pas compter seulement les militaires qui y sont employés, mais aussi les jeunes soldats enrôlés volontaires et remplaçans qui se rendent coupables d'insoumission à la loi du recrutement, ont fourni 1,655 prévenus aux conseils de guerre: ce qui donne la proportion du quart de 6,881, qui est le nombre total des militaires mis en jugement pendant le cours de l'année 1833.

Les chasseurs d'Afrique, composés de 2,423 hommes, ont eu 241 prévenus: c'est 1 sur 10.

La légion étrangère, formée de 5,406 hommes de différentes nations, produit 457 prévenus: c'est 1 sur 12.

Les zouaves, qui comptent 894 militaires, en ont eu 37 de traduits devant les conseils de guerre: ce qui donne 1 sur 24.

Les compagnies de discipline, fortes de 2,650 hommes, ont donné aux tribunaux militaires 229 prévenus: ce qui donne 1 sur 11.

Ce nombre ne surprendra point, si l'on se rappelle que les compagnies de discipline sont un moyen d'épreuve, soit pour les jeunes soldats qui ont simulé des infirmités, dans l'espérance de se soustraire au service, soit pous les militaires incorrigibles dans leurs régimens, et envers lesquels tous les modes de répression disciplinaire ont été vainement épuisés.

Pendant le cours de l'année 1833, 1,344 individus ont été envoyés dans ces compagnies de punition, mais dans les proportions suivantes:

| | |
|---|---|
| Jeunes soldats..... | 162; |
| Engagés volontaires ..... | 501; |
| Remplaçans ..... | 681. |

Ainsi, en 1833 comme en 1832, ce sont les engagés volontaires, et particulièrement les remplaçans,

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qui ont recruté les compagnies de discipline. Il faut remarquer, quant aux jeunes soldats que dans le nombre 162, plus d'un tiers représente ceux qui avaient simulé des infirmités pour se soustraire au service.

Les ateliers de travaux avec boulet et de travaux publics fournissent aussi un certain nombre de prévenus. Ces ateliers, consacrés aux seuls militaires, ont été créés pour l'exécution des condamnations aux peines correctionnelles désignées sous les noms de *boulet* et de *travaux publics*. Ces peines ne diffèrent entre elles qu'en ce seul point, que les travaux auxquels se livrent les condamnés, sont exécutés, pour ceux qui subissent la peine du boulet, en traînant un boulet attaché à l'extrémité d'une chaîne accrochée à la ceinture ; et pour ceux qui subissent la peine des travaux publics, sans chaîne ni boulet : ces derniers portent un vêtement particulier différent de celui des condamnés au boulet.

Ces ateliers, en 1833, ont présenté 258 prévenus.

Le nombre de prisonniers qu'ils renferment s'élève à 2,236 et se répartit ainsi :

Travaux avec boulet.... 727 ;
Travaux publics ..... 1,509.

D'après le nombre total des détenus, celui des hommes mis en jugement offre la proportion de 1 sur 8.

Les individus attachés à la suite de l'Armée, et qui se trouvent, aux termes de la loi du 13 brumaire an V, en raison de leur assimilation aux militaires, justiciables des conseils de guerre, n'ont eu que 4 prévenus.

Les indigènes des pays conquis n'ont eu, pendant l'année 1833, ainsi qu'on l'a déjà fait remarquer, que 32 hommes mis en jugement devant les tribunaux militaires, d'après le chiffre 26,550 auquel s'élevait approximativement, en 1833, la population d'Afrique alors soumise à l'action des tribunaux de l'Armée : c'est 1 sur 829.

*Grade ou Rang des Prévenus au jour de leur mise en jugement.*

Les officiers, en général, sur un total de 21,447, ont eu 14 prévenus : ce qui donne 1 sur 1,532.

Les sous-officiers, comprenant 25,524 hommes, ont eu 127 prévenus : ce qui donne 1 sur 200.

Les caporaux ou brigadiers, qui comptent 30,947 hommes, ont eu 155 prévenus : ce qui présente 1

Enfin les soldats, parmi lesquels sont compris les musiciens, tambours, trompettes, ouvriers, etc., s'élèvent au nombre de 320,363, défalcation faite des caporaux ou brigadiers, des sous-officiers et officiers ; ils ont eu 6,547 prévenus : ce qui donne 1 sur 49.

*Temps de Service fait jusqu'au jour de la mise en jugement des Prévenus.*

Parmi les militaires ayant moins d'un an de service, 1,554 ont été mis en jugement pour désertion ; 1,061 pour autres délits.

Ceux comptant d'un an à trois ans de service ont eu 500 prévenus de désertions ; 1,629 pour autres délits.

De trois à cinq ans de service, il y a eu 204 prévenus pour fait de désertion 737 pour autres délits.

De cinq à sept ans de service, il y a eu 143 mises en jugement pour désertion ; 578 pour autres délits.

Enfin, après plus de sept ans de service, il n'y a eu que 91 prévenus de désertion et 348 prévenus d'autres délits.

Les invalides, ainsi qu'on l'a indiqué plus haut, n'ont eu que 3 prévenus.

*Instruction primaire des Prévenus.*

Sur les 6,881 prévenus mis en jugement pendant l'année 1833, 3,154 savaient lire et écrire et ont pu signer leur interrogatoire ; 3,727 étaient complétement illettrés. Il résulte de ce rapprochement, que les 7 | 12 seulement avaient reçu les premiers éléments de l'instruction primaire.

Telles sont, SIRE, les considérations sommaires que j'ai cru devoir présenter à votre Majesté, en mettant sous ses yeux le tableau de l'administration de la justice militaire pendant l'année 1833.

L'examen des résultats indiqués donne en général une idée favorable de la moralité de l'Armée et présente des indications qui pourront être utilement consultées, soit pour les dispositions relatives à l'organisation et à la législation de l'Armée, soit pour l'amélioration des divers systèmes pénitenciaires et disciplinaires. Il constate en outre que le nombre des prévenus a été un peu moins considérable en 1833 qu'il ne l'était en 1832, soit pour l'ensemble, soit comparativement à l'effectif de chaque arme.

Je ne dois pas terminer sans appeler l'attention de votre Majesté sur le zéle soutenu avec lequel les membres des tribunaux militaires remplissent leur difficile mission, sur les efforts qui sont faits pour rendre insensibles les inconvéniens d'une organisation essentiellement mobile et d'une législation incomplète, sur l'attention avec laquelle les officiers qui remplissent les fonctions du ministère public signalent ce qui pourrait faire obstacle à la bonne administration de la justice et à l'uniformité dans la jurisprudence, et enfin sur le soin avec lequel ont été recueillis et coordonnés les documens divers qui m'ont permis de présenter à votre Majesté les résultats de ce travail.

Paris, le 2 Juin 1835.

*Le Maréchal Ministre de la Guerre,*
M. MAISON.

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No. 16.—*LOI portant Création d'une Légion d'Honneur. Du 29 Floréal, an 10 de la République Française.*

Au nom du peuple Français, Bonaparte, premier Consul, proclame loi de la République le décret suivant, rendu par le corps législatif le 29 floréal an 10, conformément à la proposition faite par le gouvernement le 25 dudit mois, communiquée au Tribunat le 27 suivant.

DECRET.

TITRE I.—*Création et Organisation de la Légion d'Honneur.*

Art. I. En exécution de l'article 87 de la constitution, concernant les récompenses militaires, et pour récompenser aussi les services et les virtus civiles, il sera formé une légion d'honneur.

II. Cette légion sera composée d'un grand conseil d'administration et de quinze cohortes, dont chacune aura son chef lieu particulier.

III. Il sera affecté à chaque cohorte, des biens nationaux portant deux cent mille francs de rente.

IV. Le grand conseil d'administration sera composé de sept grands officiers ; savoir, des trois Consuls, et de quatre autres membres, dont un sera nommé entre les sénateurs, par le sénat ; un autre, entre les membres du corps législatif, par le corps législatif ; un autre, entre les membres du

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Tribunat, par le Tribunat; et un enfin, entre les conseillers d'état, par le conseil d'état. Les membres du grand conseil d'administration conserveront, pendant leur vie, le titre de grand officier, lors même qu'ils seraient remplacés par l'effet de nouvelles élections.

V. Le premier Consul est, de droit, chef de la légion, et président du grand conseil d'administration.

VI. Chaque cohorte sera composée
de sept grands officiers,
de vingt commandans,
de trente officiers,
et de trois cent cinquante légionnaires.

Les membres de la légion sont à vie.

VII. Il sera affecté à chaque grand officier cinq mille fr.
A chaque commandant deux mille francs;
A chaque officier, mille francs;
Et à chaque légionnaire, deux cent cinquante francs.
Ces traitemens sont pris sur les biens affectés à chaque cohorte.

VIII. Chaque individu admis dans la légion, jurera, sur son honneur, de se dévouer au service de la République, à la conservation de son territoire dans sons integrité, à la défense de son gouvernement, de ses lois, et des propriétés qu'elles ont consacrées; de combattre par tous les moyens que la justice, la raison et les lois autorisent, toute enterprise tendant à rétablir le régime féodal, a reproduire les titres et qualités qui en étaient l'attribut; enfin, de concourir de tout son pouvoir au maintien de la liberté et de l'égâlité.

IX. Il sera établi dans chaque chef-lieu de cohorte, un hospice et des logemens, pour recueillir soit les membres de la légion que leur vieillesse, leurs infirmités ou leurs blessures auraient mis dans l'impossibilité de servir l'état, soit les militaires qui, après avoir été blessés dans la guerre de la liberté, se trouveraient dans le besoin.

TITRE II.—*Composition.*

Art. I. Sont membres de la légion tous les militaires qui ont reçu des armes d'honneur.

Pourront y être nommés les militaires qui ont rendu des services majeurs à l'état dans la guerre de la liberté;

Les citoyens qui, par leur savoir, leurs talens, leurs vertus, ont contribué à établir ou à défendre les principes de la République, ou fait aimer et respecter la justice ou l'administration publique.

II. Le grand conseil d'administration nommera les membres de la légion.

III. Durant les dix annés de paix qui pourront suivre la première formation, les places qui viendront à vaquer demeureront vacantes jusqu'à la concurrence du dixième de la légion, et par la suite, jusqu'à la concurrence du cinquième. Ces places ne seront remplies qu'à la fin de la première campagne.

IV. En temps de guerre, il ne sera nommé aux places vacantes qu'à la fin de chaque compagne.

V. En temps de guerre, les actions d'éclat feront titre pour tous les grades.

VI. En temps de paix, il faudra avoir vingt-cinq années de service militaire, pour pouvoir être nommé membre de la légion; les années de service, en temps de guerre, compteront double, et chaque campagne de la guerre dernière comptera pour quatre années.

VII. Les grands services rendus à l'état dans les fonctions législatives, la diplomatie, l'administration, la justice, ou les sciences, seront aussi des titres d'admission, pourvu que la personne qui les aura rendus ait fait partie de la garde nationale du lieu de son domicile.

VIII. La première organisation faite, nul ne sera admis, dans la légion qu'il n'ait exercé pendant vingt-cinq ans ses fonctions avec la distinction requise.

IX. La première organisation faite, nul ne pourra parvenir à un grade supérieur qu'après avoir passé par le plus simple grade.

X. Les détails de l'organisation seront déterminés par des réglemens d'administration publique: elle devra être faite au 1. vendémiaire an 12; et, passé ce temps, il ne pourra y être rien changé que par des lois.

Collationné à l'original, par nous président et secrétaires du Corps législatif. A Paris, le 29 Floréal, an 10 de la République française. *Signé* Rabaut le jeune, *président;* Thiry, Tupinier, Bergier, Rigal, *secrétaires.*

Soit la présente loi revêtue du sceau de l'état, insérée au Bulletin des lois, inscrite dans les registres des autorités judiciaires et administratives, et le ministre de la justice chargé d'en surveiller la publication. A Paris, le 9 Prairial, an 10 de la République.

Signé Bonaparte, *premier Consul.* Contre-signé, *le secrétaire d'état,* Hughes B. Maree. Et scellé du sceau de l'état.

Vu, *le ministre de la justice,* signé Abrial.

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No. 17.—*ARRÊTÉ relatif à l'Organisation de la Légion d'Honneur.*

Du 13 Messidor, an 10 de la République une et indivisible.

Les Consuls de la République, le conseil d'état entendu,
Arrêtent:

TITRE I.—*De la Division du Territoire de la République relativement à l'Etablissement des Cohortes de la Légion d'honneur.*

Art. I. La division du territoire de la République pour la circonscription des seizes cohortes, en y comprenant la 27. division militaire, qui formera la 16 cohorte, est fixée conformément au tableau annexé au présent arrêté.

II. Les chefs-lieux des seize cohortes seront établis dans des palais ou autres édifices nationaux.

III. La résidence du grand officier chef de la cohorte, le lieu des séances du conseil d'administration, et l'hospice, seront dans le même établissement, dans le même édifice ou la même enceinte.

TITRE II.—*Du Grand Conseil d'Administration.*

IV. Le grand conseil s'assemblera une fois par mois.

V. Une séance extraordinaire, dans le semestre d'été, sera destinée à proclamer les nouvelles pro

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motions, et recevoir solennellement le serment des nouveaux légionnaires: cette séance se tiendra au chief-lieu de la première cohorte, et, autant qu'il sera possible, alternativement dans chaque chef-lieu.

VI. Dans cette séance extraordinaire, l'un des membres du conseil prononcera l'éloge, en forme de notice historique, des membres de la légion qui seront morts dans le courant de l'année.

VII. Le grand conseil nommera un grand chancelier de la légion d'honneur et un trésorior général, qui seront grands officiers.

VIII. Le grand chancelier aura séance au grand conseil.

Il sera dépositaire du sceau.

IX. Le grand chancelier veillera à ce que les noms des individus formant la cohorte soient inscrits sur des tables de marbre placées dans le chef-lieu de chaque cohorte, et que les noms de tous les individus composant la légion soient inscrits sur des tables de marbre placées dans le dôme des Invalides.

X. Le grand chancelier sera chargé de la tenue du registre des délibérations du grand conseil, de la rédaction des procès-verbaux, et de l'expédition de la correspondance.

XI. Le grand conseil dirige et surveille l'administration des biens nationaux affectés à la légion.

Il en réglera et proportionnera la répartition d'après celle du territoire, et d'après la nature et la valeur des biens qui se trouveront dans l'arrondissement de la cohorte; il confiera aux conseils d'administration telle ou telle portion de revenu à percevoir, ordonnera les versemens d'un arrondissement de cohorte sur un autre, approuvera les divers modes de gestion qui lui seront proposés, recevra, vérifiera et arrêtera la comptabilité des cohortes.

XII. A chaque séance de trimestre, le grand chancelier remettra au grand conseil un état de situation des seize cohortes au 1. du mois commençant ledit trimestre, et un résumé des comptes rendus et arrêtés par les conseils d'administration des cohortes, dont il sera parlé ci-après, pour le trimestre précédent; de manière qu'à la séance de nivôse, tout la comptabilité de l'année précédente puisse être apurée.

XIII. Les quatre grands officiers, membres du grand conseil d'administration, nommés par les grandes autorités, n'auront d'autre rang que celui que leur donnera, parmi les grands officiers autres que les chefs de cohorte, la date de leur promotion.

## TITRE III.—*Des Conseils d'Administration des Cohortes.*

XIV. Il sera établi dans chacun des chefs-lieux de cohorte désignés dans le titre I., un conseil particulier d'administration, qui sera chargé de la gestion des biens affectés à la cohorte, ainsi que de la direction de l'hospice qui y sera établi, conformément à l'Article IX du titre I. de la loi du 29 Floréal.

XV. Ce conseil sera composé de neuf membres, désignés par le chef de légion, parmi les membres de la légion; savoir:

Un grand officier, chef de la cohorte, président;
Deux commandants;
Trois officiers, y compris un chancelier de la cohorte et un trésorier: ces deux derniers n'auront point voix délibérative;
Trois légionnaires.

XVI. Les conseils d'administration de cohorte s'assembleront deux fois par mois, le 1 et le 15, au chef-lieu de la cohorte.

Le procés-verbal de chaque séance sera immédiatement adressé au conseil général de la légion.

XVII. Outre ces séances, il en sera tenu, chaque année, une extraordinaire, au jour indiqué par le chef de la légion, pour distribuer les diplomes envoyés par le grand conseil, et recevoir le serment des nouveaux légionnaires: cette séance se tiendra au chef-lieu de la cohorte.

XVIII. Dans cette séance extraordinaire, on prononcera l'éloge, en forme de notice historique, des membres de la cohorte décédés pendant le courant de l'année.

XIX. Le chancelier de la cohorte veillera à ce que les noms des individus formant la cohorte soient inscrits sur des tables de marbre placées dans le chef-lieu de chaque cohorte.

XX. Les chanceliers des cohortes rempliront les fonctions de secrétaires des conseils d'administration. Ils seront chargés de la tenue du registre des délibérations, de la rédaction des procès-verbaux, et de l'expédition de la correspondance avec le grand conseil.

XXI. Le trésorier de la cohorte est chargé de recevoir les revenus, et de payer les traitemens des officiers de tout rang et des légionnaires, conformément aux états qui en auront été arrêtés par le grand conseil de la légion. Il établira, d'après les dispositions ci-après, la comptabilité de l'hospice.

XXII. Les trésoriers remettront, le 1. de chaque mois, aux conseils d'administration des cohortes un état de situation de la cohorte, et un état des recettes et dépenses faites pendant le mois précédent.

XXIII. A chaque première séance de trimestre, le trésorier soumettra au conseil de la cohorte tout ce qui aura rapport à la comptabilité du trimestre précédent: chaque partie de cette comptabilité ayant été successivement examinée et arrêtée par le conseil dans les séances précédentes, elle sera entièrement consommée et close dans celle-ci, et le résultat devra être immédiatement transmis au grand conseil dans les trois premiers jours du mois. Enfin les comptes du trésorier seront vérifiés et arrêtés tous les ans par le conseil de la cohorte, et présentés au grand conseil.

## TITRE IV.—*De l'Etablissement et de l'Administration des Hospices.*

XXIV. La destination des édifices et propriétés nationales qui seront jugés convenables pour l'établissement des hospices et de la résidence des chefs-lieux des cohortes, sera déterminée par des arrêtes particuliers.

XXV. Ces hospices seront formés à l'instar des succursales de l'hôtel national des invalides: leur organisation sera la même, avec cette seule différence, que les hospices de la légion d'honneur seront regis et administrés par les conseils d'administration des cohortes.

XXVI. Aucun militaire autre que les légionnaires ne sera admis dans les hospices des légions, que sur l'autorisation du grand conseil.

XXVII. Les militaires reçus à l'hospice de la cohorte en vertu de l'autorisation du grand conseil, y seront logés, nourris et habillés aux frais de l'hospice, au moyen du paiement qui sera fait à la caisse de la cohorte, du montant des pensions auxquelles ces militaires, qui y seront reçus, auraient eu droit, s'ils n'avaient pas préféré l'hôtel des invalides.

XXVIII. Les légionnaires et les autres militaires admis dans les hospices des cohortes, auront la

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liberté d'en sortir quand ils le jugeront convenable : ils jouiront alors des pensions qui leur auront été précédement accordées ; mais pendant leur séjour à l'hospice, ils ne toucheront que le traitement qui a été affecté à chaque grade par le réglement concernant l'hôtel national des invalides.

XXIX. Les détails de l'administration de chaque hospice seront confiés à un économe, qui sera nommé par le grand conseil de la légion, sur la présentation du conseil d'administration de la cohorte.

XXX. L'économe rendra compte de sa gestion, tous les mois, au conseil d'administration de la cohorte, qui fera surveiller le service par un de ses membres.

XXXI. La fourniture des lits, ustensiles, linge et effets, alimens, boissons, bois et lumière, pourra être donnée au rabais par le conseil d'administration, à la charge de l'approbation du grand conseil de la légion.

XXXII. Les conseils d'administration des cohortes ne pourront faire aucun marché, ni approuver aucune espèce de dépense, sans l'autorisation spéciale du grand conseil de la légion.

XXXIII. Le trésorier arrêtera tous les mois, en présence de l'officier chargé de la surveillance de l'hospice le compte de l'économe.

A la fin de chaque trimestre, la comptabilité du trimestre sera arrêtée par le conseil d'administration, conformément à ce qui a été prescrit ci-dessus à l'article XXII du titre III.

XXXIV. Le compte général de la dépense de l'hospice sera arrêté tous les ans par le conseil d'administration de la cohorte. Ce compte, expédié en double, servira de pièce justificative à celui des recettes et dépenses du trésorier, et entrera dans le résultat de la comptabilité annuelle de chaque cohorte, qui, aux termes de l'article XII, titre II ci-dessus, doit être présenté au grand conseil.

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No. 18.—*ORDONNANCE du Roi concernant l'Organisation, la Composition, et l'Administration de la Légion d'Honneur, sous le titre d'Ordre Royal de la Légion d'honneur.*

*Au château de Tuileries, le* 26 *Mars*, 1816.

LOUIS, par la grâce de Dieu, Roi de France et de Navarre, à tous ceux qui ces présentes verront, salut.

Considérant que les dispositions des lois, statuts et actes relatifs à la légion d'honneur, se trouvent éparsés dans différentes ordonnances, et qu'il est important d'en former une seule qui, les renfermant toutes, devienne ainsi le code de la légion.

Sur le rapport de notre cousin le maréchal duc *de Tarente*, grand chancelier de la légion d'honneur.

De l'avis du conseil de nos ministres.

Nous avons ordonné et ordonnons.

TITRE I.—*Organisation et Composition de la Légion d'Honneur.*

Art. I. La légion d'honneur est instituée pour récompenser les services civils et militaires.

II. Le Roi est chef souverain et grand-maître de la légion d'honneur.l

III. La légion prend le titre d'*Ordre Royal de la Légion d'Honneur ;* les commandans, celui de *commandeurs ;* et les grands-cordons, celui de *grand'croix.*

IV. L'ordre royal de la légion d'honneur est composé de chevaliers, d'officiers, de commandeurs, de grands officiers et de grand'croix.

V. Les membres de la légion sont à vie.

VI. Le nombre des chevaliers est illimité.
Celui des officiers est fixé à deux mille.
Celui des commandeurs, à quatre cents.
Celui des grands officiers, à cent soixante.
Celui des grand'croix, à quatre-vingts.

VII. Le nombre des grand'croix, grands officiers, commandeurs et officiers, dépassant celui fixé par l'article 6, ceux qui sont revêtus de ces grades les conservent ; mais par les extinctions nous pourrons les réduire.

VIII. Les princes de la famille royale et de notre sang et les étrangers auxquels nous conférerons la grande décoration, ne sont point compris dans le nombre fixé par l'article 6.

IX. Les étrangers sont admis et non reçus, et ne prêtent aucun serment.

TITRE II.—*Forme de la Décoration, et manière de la Porter.*

X. La décoration de l'ordre royal de la légion d'honneur consiste dans une étoile à cinq rayons doubles, surmontée de la couronne royale. Le centre de l'étoile, entouré d'une couronne de chêne et de laurier, présente, d'un côté, l'effigie d'Henri IV. avec cet exergue, *Henri IV., Roi de France et de Navarre ;* et de l'autre, trois fleurs-de-lis avec cet exergue, *Honneur et Patrie.*

XI. L'étoile émaillée de blanc est en argent pour les chevaliers, et en or pour les grand'croix, les grand officiers, les commandeurs et les officiers.

XII. Les chevaliers portent la décoration en argent à une des boutonnières de leur habit, attachée par un ruban moiré rouge sans rosette. Les officiers la portent en or à une des boutonnières de leur habit, attaché par un ruban moiré rouge avec une rosette.

Le commandeurs portent la décoration en sautoir, attachée à un ruban moiré rouge, un peu plus large que celui des officiers.

Les grands officiers portent, sur le côté droit de leur habit, une plaque semblable à celle des grand'croix, brodée en argent, mais du diamètre de sept centimètres deux millimètres. Cette plaque est substituée au large ruban qu'ils portent actuellement, et ils continuent en outre de porter la simple croix en or à la boutonnière gauche.

Les grand'croix portent un large ruban moiré rouge, passant de l'épaule droite au côté gauche, et au bas duquel est attaché une grande étoile en or ; ils portent en même temps une plaque brodée en argent, du diamètre de dix centimètres quatre millimètres, attachée sur le côté gauche des habits et des manteaux, et au milieu de laquelle est l'effigie d'Henri IV., avec l'exergue *Honneur et Patrie.*

Ils cessent ainsi que les commandeurs, de porter la simple croix en or, lorsqu'ils sont décorés des marques distinctives de leurs grades : néanmoins cette croix leur est permise, lorsqu'ils ne les portent pas extérieurement.

XIII. Les membres de l'ordre royal de la légion d'honneur portent toujours la décoration.

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XIV. Les grand'croix, grands officiers, commandeurs, officiers et chevaliers, ne peuvent porter que les marques distinctives de leurs grades; le Roi *seul* porte chacune d'elles à sa volonté. Tous nos sujets membres de l'ordre royal de la légion d'honneur sont toujours décorés selon leurs grades, quand ils paraissent devant nous et devant les princes de la famille royale, et de notre sang; lorsque duement convoqués par les autorités, d'après les réglemens sur les préséances, ils assistent, soit en notre présence, soit en notre absence, aux grandes audiences, aux grandes réceptions, aux cérémonies politiques, religieuses et civiles, aux revues, aux grandes parades, &c.

TITRE III.—*Admission et Avancement dans la Légion.*

XV. En temps de paix, pour être admis dans la légion d'honneur il faut avoir exercé pendant vingt-cinq ans des fonctions civiles ou militaires avec la distinction requise.

XVI. Nul ne peut être admis dans la légion qu'avec le premier grade de chevalier.

XVII. Pour être susceptible de monter à un grade supérieur, il est indispensable d'avoir passé dans le grade inférieur, savoir:

1. Pour le grade d'officier, quatre ans dans celui de chevalier.
2. Pour le grade de commandeur, deux ans dans celui d'officier.
3. Pour le grade de grand officier, trois ans dans celui de commandeur.
4. Enfin pour le grade de grand'croix, cinq ans dans celui de grand officier.

XVIII. Chaque campagne est comptée double aux militaires dans l'évaluades années exigées par les articles 15 et 16; mais on ne peut jamais compter q'une campagne par année, sauf les cas d'exception qui doivent être déterminés par une ordonnance spéciale.

XIX. En temps de guerre, les actions d'éclat et les blessures graves peuvent dispenser des conditions exigées par les articles 15 et 16 pour l'admission ou l'avancement dans l'ordre royal de la légion d'honneur.

XX. En temps de guerre, comme en temps de paix, les services extraordinaires rendus à nous et à l'état dans les fonctions civiles ou militaires, les sciences et les arts, peuvent également dispenser de ces conditions, mais sous la réserve expresse de ne franchir aucun grade.

XXI. Pour donner lieu aux dispenses mentionnées dans les articles précédens, les actions d'éclat, blessures et services extraordinaires doivent être duement constatés; savoir:

1. Dans les régimens de toutes armes, par un certificat signé de tous les officiers du corps présens à l'affaire, et visé par le chef du corps ou du détachement, par le chef d'état-major de la division et le chef d'état-major de l'Armée.

2. Pour les officiers de l'état-major général de l'artillerie et du génie, les ingénieurs-géographe, le corps des inspecteurs aux revues, celui des commissaires des guerres, les gardes de l'artillerie et du génie, et les employés des administrations militaires, par un certificat signé de cinq militaires du même corps que le sujet proposé, parmi lesquels devront se trouver nécessairement ceux qui sont revêtus, dans la légion, du grade sollicité pour lui: ce certificat sera signé, en outre, par le chef de l'état-major de la division, pour les officiers d'état-major; par le chef de l'artillerie ou celui de génie, pour les militaires de ces deux armes; par l'inspecteur en chef aux revues ou l'ordonnateur en chef, pour les personnes de leur administration, et visé par le chef de l'état-major général de l'Armée.

3. Pour les militaires de nos armées navales, par un certificat signé de cinq militaires du même équipage que le sujet proposé, parmi lesquels devront se trouver ceux de l'équipage revêtus, dans la légion, du grade sollicité pour lui: ce certificat devra être visé par les commandans du bâtiment ou des ports, et par le commandant en chef de l'escadre, quand ce bâtiment n'aura pas été employé isolément.

4. Pour tout individu non militaire, par un certificat signé de cinq personnes exerçant des fonctions analogues à celles du sujet proposé, et, autant que faire se pourra, revêtues, dans la légion, du grade sollicité pour lui: ce certificat, visé par son supérieur immédiat, ou par le préfet du département, pour les personnes qui ne sont soumises à aucune hiérarchie, sera annexé au rapport spécial que nous fera pour cet objet le ministre compétent, et qui nous sera soumis par notre grand chancelier.

XXII. Outre les cas extraordinaires mentionnés aux précédens articles, il pourra y avoir une ou deux nominations et promotions par année, mais seulement aux époques fixées ci-après; savoir:

Une au 1 Janvier,

Et une au 15 Juillet, jour de Saint Henri, patron de notre auguste aïeul Henri IV.

XXIII. La répartition de nominations et promotions dans le légion d'honneur, entre les divers ministères, a lieu dans la proportion suivante; savoir:

Un quarantième, au ministère de la maison du Roi;
Deux quarantièmes, au ministère de la justice;
Un quarantième, au ministère des affaires étrangères;
Six quarantièmes, au ministère de l'intérieur;
Deux quarantièmes, au ministère des finances;
Vingt quarantièmes, au ministère de la guerre;
Cinq quarantièmes, au ministère de la marine;
Un demi-quarantième, au ministère de la police générale;
Deux quarantièmes et demi, à la grande chancellerie de la légion d'honneur.

XXIV. Dans le mois qui précédera les deux époques indiquées dans l'article 22 notre grand chancelier, d'après l'avis de nos ministres, prendra nos ordres; et si nous jugeons convenable de faire des nominations et promotions, nous déterminerons le nombre des décorations pour chaque grade; notre grand chancelier en fera la répartition à nos ministres, conformément à l'article 23.

XXV. Sur l'avis que notre grand chancelier leur donnera; nos ministres lui adresseront la liste des personnes qu'ils jugeront avoir mérité cette distinction.

XXVI. De la réunion de ces listes notre grand chancelier formera un corps d'ordonnance, qu'il soumettra à notre approbation.

XXVII. Nos ministres, après chaque nomination ou promotion, expédient des lettres d'avis à toutes les personnes nommées dans leurs ministères. Ces lettres d'avis leur prescrivent de se pourvoir auprès de notre grand chancelier pour obtenir l'autorisation nécessaire de se faire recevoir, d'être décorées, et l'expédition du brevet.

XXVIII. Toutes demandes de nomination et de promotion qui nous seront adressées ou soumises par quelque personne que ce soit, autre que nos ministres, seront renvoyées à notre grand chancelier, qui en fera le rapport, et nous présentera des projets d'ordonnance, s'il y a lieu.

XXIX. A l'avenir, nul ne pourra porter la décoration du grade auquel il aura été nommé ou promu, qu'après sa réception.

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TITRE IV.—*Modes de Réception des Membres de la Légion, et du Serment.*

XXX. Les princes de la famille royale, de notre sang, et les grand'croix, prêtent serment entre nos mains, et reçoivent de nous les décorations.

XXXI. En cas d'empêchement, nous désignons les princes de notre famille et de notre sang, ou notre grand chancelier, pour recevoir le serment et procéder aux réceptions des grand'croix. Dans l'un et l'autre cas, notre grand chancelier prend nos ordres.

XXXII. Notre grand chancelier désigne, pour procéder aux réceptions des chevaliers, officiers, commandeurs, grands officiers et grand'croix, un membre de la légion d'un grade au moins égal à celui du récipiendaire.

XXXIII. Les militaires de tous grades et de toutes armes de terre et de mer, les membres des administrations qui en dépendent, et les gardes nationales, son reçus à la parade.

XXXIV. Les personnes appartenant au civil sont reçues en séance publique des cours royales ou tribunaux d'arrondissement, lorsqu'elles ne pourront pas l'être par notre grand chancelier ou la personne qu'il aura déléguée.

XXXV. Le récipiendaire des troupes de terre et de mer prête à genoux le serment ci-après; " Je " jure d'être fidèle au Roi, à l'honneur, et à la patrie; de révéler à l'instant tout ce qui pourrait " venir à ma connaissance et qui serait contraire au service de sa Majesté et au bien de l'état; de " ne prendre aucun service et de ne recevoir aucune pension ni traitement d'un Prince étranger, sans " le consentement exprès de sa Majesté; d'observer les lois, ordonnances et réglemens, et générale- " ment de faire tout ce qui est du devoir d'un brave et loyal chevalier de la légion d'honneur."

XXXVI. L'officier chargé de la réceptiou d'un militaire, après avoir reçu son serment, le frappe d'un coup de plat d'épée sur chaque épaule, et, en lui remettant son brevet ainsi que sa décoration, lui donne l'accolade en notre nom.

XXXVII. Il est adressé au grand chancelier un procès-verbal de chaque réception; des réglemens particuliers déterminent les modèles de procès-verbaux de réception.

XXXVIII. A la guerre les militaires de nos armées de terre et de mer, et les personnes qui dépendent de ces deux administrations; nommés ou promus, pourront êtres autorisés par notre grand chancelier à porter le ruban en attendant la réception.

XXXIX. En temps de guerre, comme en temps de paix, il ne pourra être porté cumulativement avec nos ordres royaux aucun ordre étranger sans notre autorisation expresse, transmise par notre grand chancelier.

TITRE V.—*Des Séries de Numeros et des Brevets.*

XL. Les séries de numéros formées depuis la fondation de la légion d'honneur jusqu'à ce jour, sont supprimées.

XLI. Il sera commencé une seule et unique série de numéros, à laquelle seront assujetties toutes les nominations faites depuis l'établissement de la légion d'honneur, et toutes celles que nous pourrons faire dans la suite.

XLII. Toutes les lettres d'avis, diplômes ou brevets délivrés depuis l'etablissement de la légion d'honneur jusqu'à ce jour, seront remplacés par de nouveaux brevets dont nous avons arrêté les modèles; ils seront signés de notre main, et contresignés par notre grand chancelier.

XLIII. A la demande de notre grand chancelier, tous les membres de l'ordre sont tenus de lui envoyer les pièces mentionnées au précédent article; et après s'être assuré de l'identité des titulaires, il leur expédiera la formule de serment conforme à l'article 35, qu'ils devront signer, savoir:,

1. Les militaires de toutes armes et de tous grades, en activité dans l'Armée de terre et de mer en présence des conseils d'administration, qui certifieront les signatures et l'identité des titulaires;

2. Les militaires et membres des administrations de terre et de mer, en demisolde et en retraite, dans la même formule que pour les certificats de vie ou feuilles de revue;

3. Les états-majors des gouvernemens, des divisions militaires, des départemens, des places et colonies, des armées de terre et de mer, et les membres des administrations qui en dépendent, devant les inspecteurs ou sous-inspecteurs ou commissaires de la marine;

4. Dans les ministères, directions et administrations, devant les chefs de division, dans les formes usitées pour les certificats et les légalisations;

5. Enfin pour le civil, et pour les Français dans l'étranger, les certificats seront donnés dans les formes usitées.

XLIV. Tout individu qui n'obéira point aux dispositions de l'article qui précède, ou qui ne justifiera pas, par acte de notoriété, de l'impossibilité de représenter ses anciennes lettres, diplôme ou brevet, sera, après une enquête faite à ce sujet, rayé des registres-matricules de l'ordre, et il en sera donné avis aux autorités du ressort de l'individu.

TITRE VI.—*Droits et Prérogatives de Membres des l'Ordre, Fêtes et Cérémonies publiques.*

XLV. Les grand'croix et les grands officiers de la légion jouissent, dans nos palais et dans les grandes cérémonies des mêmes droits, honneurs et prérogatives que les grand'croix de l'ordre de Saint Louis.

XLVI. Les grand'croix et les grands officiers prennent rang, dans les cérémonies publiques, avec les grand'croix de l'ordre de Saint Louis, par ancienneté de nomination; les commandeurs après eux: et les officiers et chevaliers, avec les chevaliers de Saint Louis, également par ancienneté de nomination.

XLVII. La fête de l'ordre est fixée au 15 Juillet, jour de Saint Henri, fête de notre auguste aïeul.

XLVIII. Les grand'croix, les grands officiers, les commandeurs, officiers et chevaliers qui sont convoqués et assistent aux cérémonies publiques, religieuses ou civiles, y occupent, concurremment avec les mêmes grades de l'ordre de Saint Louis, des places particulières qui leur sont assignées par les autorités constituées, conformément au réglement sur les préseances.

XLIX. Pour les honneurs funèbres et militaires, les grand'croix et les grands officiers de la Légion d'honneur sont traités comme les lieutenans généraux employés, lorsqu'ils n'on point un grade militaire supérieur; les commandeurs comme les colonels, les officiers comme les capitaines, les chevaliers comme les lieutenans.

L. Des grand'croix et des grand officiers de la Légion assistent aux grandes cérémonies publiques, civiles ou religieuses et funèbres. Le grand maître des cérémonies de France prend chaque fois nos ordres à cet égard, et les transmet au grand chancelier, lequel convoque parmi les grand'croix et les grands officiers les personnes que nous avons désignées.

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LI. On porte les armes aux grands officiers, commandeurs, officiers et chevaliers; on les présente aux grand'croix.

LII. Le grand chancelier nous propose, pour les légionnaires sous-officiers et soldats retirés de l'armée active, des gratifications annuelles, dont le montant est déterminé d'après l'age du légionnaire, ses blessures, ses infirmités, son revenu personnel, l'état de sa famille, et la population du lieu de sa résidence.

TITRE VII.—*Discipline des Membres de l'Ordre.*

LIII. La qualité de membre de la Légion d'honneur se perd par les mêmes causes ques celles qui font perdre la qualité de citoyen français.

LIV. L'exercice des droits et des prérogatives des membres de la Légion d'honneur est suspendu par les mêmes causes que celles qui suspendent les droits de citoyen français.

LV. Les ministres secrétaires d'état de la justice, de la guerre et de la marine, transmettent au grand chancelier des copies de tous les jugemens en matière criminelle, correctionnelle et de police, relatifs à des membres de la Légion.

LVI. Toutes les fois qu'il y aura un recours en cassation contre un jugement rendu en matière criminelle, correctionnelle et de police, relatif à un légionnaire, le procureur général du Roi auprès de la cour de cassation en rend compte sans délai au ministre secrétaire d'état de la justice, qui en donne avis au grand chancelier de la Légion d'honneur.

LVII. Les procureurs généraux du Roi auprès des cours royales, et les rapporteurs auprès des conseils de guerre, ne peuvent faire exécuter aucune peine infamante contre un membre de la Légion qu'il n'ait été dégradé.

LVIII. Pour cette dégradation, le président de la cour royale, sur le réquisitoire de l'avocat général, ou le président du conseil de guerre, sur le réquisitoire du rapporteur, prononce, immédiatement après la lecture du jugement, la formule suivante: *Vous avez manqué à l'honneur; je déclare, au nom de la Légion, que vouz avez cessé d'en être membre.*

LIX. Les chefs militaires de terre et de mer, et les commandans des corps et bâtimens de l'etat, rendent aux ministres secrétaires d'état de la guerre et de la marine un compte particulier de toutes les peines de discipline qui ont été infligées à des légionnaires sous leurs ordres. Ce ministres transmettent des copies de ce compte au grand chancelier.

LX. La cassation d'un chevalier de la Légion sous-officier en activité, et le renvoi d'un soldat ou d'un marin chevalier de la Légion, ne peuvent avoir lieu que d'après l'autorisation des ministres secrétaires d'état de la guerre ou de la marine; ces ministres ne peuvent donner cette autorisation qu'après en avoir informé le grand chancelier, qui prendra nos ordres.

LXI. Le Roi peut suspendre on tout ou en partie l'exercice des droits et prérogatives attachées à la qualité de membre de la Légion d'honneur, et même exclure de la Légion, lorsque la nature du délit et la gravité de la peine prononcée correctionnellement paraissent rendre cette mesure nécessaire.

LXII. Un réglement particulier détermine les peines à infliger pour les actions qui ne peuvent être l'objet d'aucune poursuite de la part des tribunaux ou des conseils de guerre, et qui cependant attentent à l'honneur d'un membre de la Légion.

TITRE VIII.—*Administration de l'Ordre.*

LXIII. L'administration de l'ordre est confiée à un grand chancelier, qui travaille directement avec nous. Il entre au Conseil de nos ministres, toutes les fois que nous jugeons convenable de l'y appeler pour discuter les intérêts de l'ordre.

LXIV. Le grand chancelier sera toujours choisi parmi les grands officiers de la légion.

LXV. Un secrétaire général, nommé par nous, est attaché à la grande chancelierie: il a la signature en cas d'absence ou de maladie du grand chancelier, et le représente.

LXVI. Le grand chancelier est dépositaire du sceau de l'ordre.

LXVII. Tous les ordres étrangers sont dans les attributions du grand chancelier de l'ordre royal de la Légion d'honneur.

LXVIII. Nos ordonnances relatives à cet ordre sont contre-signées par le président du Conseil de nos ministres, et visées par notre grand chancelier pour leur exécution.

LXIX. Notre grand chancelier nous présente,

1. Les rapports, projets d'ordonnance, réglemens et décisions concernant l'ordre de la Légion et les ordres étrangers;
2. Les candidats désignés par nos ministres, par d'autres personnes ou par lui, pour les nominations et promotions;
3. Présente les diplômes ou brevets à notre signature;
4. Prend nos ordres à l'égard des ordres étrangers conférés à nos sujets, qui l'en informent;
5. Transmet les autorisations de les accepter et de les porter;
6. Soumet à notre approbation le travail relatif aux gratifications extraordinaires des chevaliers de l'ordre, ainsi qu'a l'admission et la révocation des élèves pensionnaires et gratuités dans les maisons royales de Saint-Denis et des orphelines de nos ordres royaux;
7. Dirige et surveille toutes les parties de l'administration de l'ordre et ses établissemens, la perception des revenus, les paiemens et dépenses;
8. Nous présente annuellement les projets de budget, préside les assemblées de canaux, &c.

LXX. Notre cour des comptes sera chargée de l'apurement et réglement des comptes des dépenses annuelles relatives à la Légion d'honneur.

LXXI. Toutes les dispositions antérieures, contraires à celles de la présente ordonnance, sont abrogées.

LXXII. Nos ministres, et notre grand chancelier de l'ordre royal de la Légion d'honneur, sont chargés, chacun en ce qui le concerne, de l'exécution de la présente ordonnance.

Donné au château des Tuileries, le 26 Mars de l'an de grâce 1816, et de notre règne le vingt-unième.

*Signé* LOUIS.

Par le Roi:

*Le Ministre des affaires etrangères, Président du Conseil,*

Signé RICHELIEU.

Lending Libraries in India.

# APPENDIX No. 4.

SIR, *East India House, 22d May,* 1835.

I HAVE the honour to acknowledge the receipt of your letter of the 18th instant, and, agreeably with the request contained in it, have herewith to transmit, for the information of the Commissioners, copies of the regulations under which the military lending libraries in India are governed, accompanied by lists of the books of which they are composed.

I am, Sir, your most obedient humble servant,

P. AUBER,
*Secretary.*

*George Collin, Esq.*

(*Extract Bengal General Orders.*)

*Head Quarters, Calcutta, 2d April,* 1823.

General orders by the Honourable the Governor-General in Council.

*Fort William, 21st March,* 1823.

1. Books having been received from the Honourable the Court of Directors for the purpose of establishing permanent soldiers' libraries at seven of the principal European stations, they will be supplied accordingly to the following places, through the Adjutant-General of the Army, viz.:

Fort William,
Dum Dum,
Dinapore,
Ghazipoor,
Cawnpore,
Meerut,
Nagpoor.

*N. B.* An English library will be snpplied to Berhampore eventually on its arrival from Europe.

2. On the arrival of the library at each station, it will be placed under the charge of the chaplain or person acting as such, who will furnish a proper receipt to the adjutant-general through the commanding officer; and at each relief or change of station the library will be made over regularly in station orders, and receipts furnished in duplicate for the same, one copy for the adjutant-general, and one for the brigade-majors or other station staff-officer.

3. In all cases where there may not be a chaplain resident or present, the duty will devolve on the brigade-major or other public staff-officer.

4. To assist in the care and preservation of the books, and to keep a proper list and account thereof, the person officiating as clerk under the chaplain, or a steady non-commissioned officer, shall be employed on a salary of twelve rupees per mensem, from the arrival of the books at each station, to be certified by the commanding officer and public staff. The bills to be countersigned by the chaplain or public staff-officer, as the case may require.

5. His excellency the commander-in-chief is requested to issue such further orders as may be deemed necessary for the internal management and regulation of these libraries, and to give effect to the views of the Honourable Court in their transmission to this country.

## BENGAL.

List of Books originally sent out for Soldiers' Libraries in August 1821 (7 Sets, and an additional Set in 1826).

*Religious and Moral Works.*

A Family Bible
Ostewald's Abridgment of the Bible
Homilies of the Church of England
Hervey's Meditations
Œconomy of Human Life
Cooper's Sermons
Sturm's Reflections
Paley's Theological Works, complete

*Instructive and Amusing Tales.*

Edgeworth's Popular Tales
Arabian Nights' Entertainments
A selection of the Cheap Repository Tracts
Robinson Crusoe
Peter Wilkins
Sherwood's Serjeant Dale
Alfred and Galba
Leadbeater's Cottage Dialogues
Narrative of a Soldier of the 71st Regiment
Waverley, and all the Works by the same Author

*Abridgment of Histories.*

Robertson's America and Scotland
History of England, in Letters from a Nobleman to his Son
Goldsmith's Roman History
ditto Grecian ditto

*Travels and Voyages.*

Mavor's Voyages and Travels

*Natural History.*

Ray on the Wisdom of the Creation
Goldsmith's Animated Nature
Spence and Kirby's Entomology
Abridgment of Buffon
Nature Displayed

*Popular Poetry.*

Cowper's Poems
Burns' ditto
Crabbe's ditto
Bloomfield's ditto
Moore's Sacred Dramas
Scott's Poems

*Biographical Works.*

British Plutarch
British Nepos
Life of Colonel Gardiner
Life of Peter the Great

---

The Hundred Wonders of the World
Goldsmith's Geography
Gay's Fables
Account of the Battle of Waterloo
Spectator
Class Book
Joyce's Dialogues
Ayde's Pocket Gunner
Naval Chronicle
Military ditto
Elegant Extracts, verse and prose

*List of additional Books sent out for Soldiers' Libraries in* 1833. (8 *Sets.*)

| | | | |
|---|---|---|---|
| Boren's Sermons . . . . | | 12mo. | hf. cf. letrd. |
| Gisborne's Duties of Men . | 2 vols. | 8vo. | ditto |
| Newton on the Prophecies . . | | 8vo. | hf. cf. letrd. |
| Harte's Lectures on St. Matthew's Gospel . . . | 2 vols. | 12mo. | ditto |
| Tomline's Theology . . | 2 vols. | 8vo. | ditto |
| The Village Preacher . | 5 vols. | 12mo. | ditto |
| Pilgrim's Progress, by Scott . | | 12mo. | ditto |
| Life of Bishop Latimer . . | | 12mo. | ditto |
| ——— Cranmer . . | | 12mo. | ditto |

| | | | |
|---|---|---|---|
| Life of Bernard Gilpin | 12mo. | hf.cf.letrd. | |
| Sellon's Abridgment of the Bible | 18mo. | ditto | |
| Venn's Whole Duty of Man | 12mo. | ditto | |
| Leslie on Deism | 18mo. | ditto | |
| Nelson's Devotions | 12mo. | ditto | |
| Great Importance of a Religious Life | 12mo. | ditto | |
| Horne on the Psalms | 12mo. | ditto | |
| Natural History of Domestic Animals | 18mo. | half-bound | |
| ditto Insects | 18mo. | ditto | |
| ditto Birds | 18mo. | ditto | |
| ditto Trees | 18mo. | ditto | |
| ditto Reptiles | 18mo. | ditto | |
| ditto Wonderful Animals | 18mo. | ditto | |
| History of the Useful Arts | 18mo. | ditto | |
| Cabinet of the Useful Arts | 18mo. | ditto | |

*Works by the Society for the Diffusion of Useful Knowledge.*

| | | | |
|---|---|---|---|
| Natural Philosophy | 2 vols. | 8vo. | hf. cf. letrd. |
| History of Greece | 1 vol. | 8vo. | ditto |
| Menageries | 2 vols. | 12mo. | ditto |
| Pursuit of Knowledge | 2 vols. | 12mo. | ditto |
| Criminal Trials, vol. 1 | | 12mo. | ditto |
| Results of Machinery | | 18mo. | ditto |
| Cottage Evenings | | 18mo. | ditto |
| Instinct Displayed | | 12mo. | ditto |

| | | | |
|---|---|---|---|
| Robertson's Charles 5th | 3 vols. | 8vo. | hf. cf. letrd. |
| Johnson's Lives of the Poets | 2 vols. | 24mo. | ditto |
| Two Years in Ava | | 8vo. | ditto |
| Rollin's Ancient History | 6 vols. | 8vo. | ditto |
| Brigg's Letter Post | | 8vo. | ditto |
| Life of Sir Thomas Munroe | 2 vols. | 8vo. | ditto |
| Memoirs of a French Serjeant | | post 8vo. | ditto |
| The Subaltern | | post 8vo. | calf lettered |
| Chelsea Pensioners | 3 vols. | 8vo. | ditto |
| Life of Lord Collingwood | | 8vo. | ditto |
| Napier's War in the Peninsula | 3 vols. | 8vo. | ditto |
| Southey's ditto | 4 vols. | 8vo. | ditto |
| Hutton's Mathematics | 3 vols. | 8vo. | ditto |
| Tales of the Genii | | 24mo. | ditto |
| Devil on Two Sticks | | 12mo. | ditto |
| Baron Munchausen | | 24mo. | ditto |
| Christmas Carols | | 8vo. | ditto |

| | | | |
|---|---|---|---|
| Hall's Voyages | 3 vols. | 8vo. | calf lettered |
| Adventures of British Seamen | | 18mo. | ditto |
| Symes' Embassy to Ava | 2 vols. | 18mo. | ditto |
| Perils and Captivity | | 18mo. | ditto |
| Selections from Phenomena of Nature | | 18mo. | ditto |
| Lockhart's Life of Burns | | | |
| Wrangham's Evidences of Christianity | | 18mo. | ditto |
| White's Natural History of Selborne | | 18mo. | ditto |
| Carrick's Life of Sir W. Wallace | 2 vols. | 18mo. | ditto |
| Bourrienne's Buonaparte | 4 vols. | 18mo. | ditto |
| Trueba's Conquest of Peru | | 18mo. | ditto |
| History of British India | 3 vols. | 12mo. | ditto |
| Sherer's Life of Wellington | 2 vols. | 18mo. | ditto |
| Gleig's History of the Bible | 2 vols. | 18mo. | ditto |
| Smith's Festivals, Games, &c. | | 18mo. | ditto |
| Natural History of Insects | | 18mo. | ditto |
| Scott's Demonology and Witchcraft | | 18mo. | ditto |
| Scottish Worthies | 3 vols. | 18mo. | ditto |
| Life of Sir Isaac Newton | | 18mo. | ditto |
| Lander's Discovery of the Niger, | 3 vols. | 18mo. | ditto |
| Brewster's Natural Magic | | 18mo. | ditto |
| Scott's History of Scotland, | 2 vols. | 12mo. | ditto |
| Kater and Lardner on Mechanics | | 12mo. | ditto |
| Brewster's Treatise on Optics | | 12mo. | ditto |
| Lives of British Statesmen, vol. 1 | | 12mo. | ditto |
| Gleig's Military Commanders, | 3 vols. | 12mo. | ditto |
| Galt's Laurie Todd | 3 vols. | 12mo. | ditto |
| —— Annals of the Parish | ditto | 12mo. | ditto |
| —— Ayrshire Legatees | ditto | 12mo. | ditto |
| —— Bogle Corbet | ditto, 3 vols. | post 8vo. | ditto |

*Conversations on several Branches of Science, by* Mrs. MARCET.

| | | |
|---|---|---|
| Chemistry | 12mo. | hf. cf. letrd. |
| Natural Philosophy | 12mo. | ditto |
| Political Economy | 12mo. | ditto |
| Vegetable Physiology | 12mo. | ditto |

| | | |
|---|---|---|
| Murray's English Reader | 12mo. | ditto |
| Belisarius | 24mo. | ditto |
| Defoe's Plague and Fire of London | 24mo. | ditto |
| Narratives of Shipwrecks | 12mo. | ditto |
| 4 Saturday Magazine, vol. 1 | 4to. | ditto |
| 4 Penny Magazine, vol. 1 | 4to. | ditto |

Lending Libraries in India.

## MADRAS.

List of Books ordered by the Madras Government to compose the Soldiers' Libraries under that Presidency (1829).

Anson's (Lord) Voyage round the World, with a Map
Account of the Plague and Fire of London
Beren's Thirty-three Village Sermons
Bingley's (Rev. W.) Elements of Useful Knowledge
—— Animal Biography
—— Celebrated Voyages
—— Travellers
—— Eminent Characters
Book of Trades
Bowdler's Poems, Divine and Moral
Hall's (Bp.) Contemplations on the Historical Passages of the Old and New Testament
Harte's Lectures on St. Matthew's Gospel
Josephus's (Flavius) Wars of the Jews
Lessons for Young Persons in Humble Life
Loss of the Lady Hobart Packet, Cabalva, Centaur, and Litchfield
Burnet's (Bp.) History of the Reformation, abridged
Gay's Fables (Part 1st), with Wood Cuts
—— selected by the Rev. J. Plumptree
Gilpin's Four Last Dialogues
—— Life of Cranmer
—— Latimer
—— Bernard Gilpin
—— Trueman and Atkins
—— Lives Entire
Well's Geography of the Old and New Testament
Young's (Rev. I.) Essays
Natural History of Domestic Animals, 18mo
—— Insects 18mo
—— Birds 18mo
—— Fishes 18mo
—— Trees 18mo
—— Reptiles 18mo
—— Wonderful Animals, 18mo
—— Remarkable Animals, 18mo
History of Columbus, 18mo
—— Prince Lee Boo, 18mo
Lyttleton's (Lord) History of England, in Letters
Maundrell's Journey to Aleppo
Memoirs of William Stevens, Esq., by the Hon. Mr. Justice Park
Natural History of Quadrupeds, Birds, and Insects
Pilgrim's Good Intent
Robinson Crusoe
Sturm's (Mr. C. C.) Reflections abridged, a new edition
The Lives of Marlborough and Nelson, and Campaigns of Wellington
The Lives of Sir Matthew Hale and Rev. Dr. H. Hammond
The Lives of Bishops Wilson and Hildesley
Tomline's (Bp.) Introduction to the Study of the Bible
Trimmer's (Mrs.) Fabulous Histories
Walton's (Isaac) Lives entire
The History of Useful Arts, 18mo
The Cabinet of Useful Arts, 18mo
The Life of Captain Cook, 18mo
The Entertaining Medley, 18mo
The National School Miscellany, Nos. 1 to 12, with 40 Wood Cuts (half-bound in 1 vol.)
The National School Magazine, Nos. 1 to 12, with 34 Wood Cuts (half-bound in 1 vol.)
The New Youths' Magazine
Set of Religious Tracts (Society for P. C. K.), new edition
Set of bound Books (Society for P. C K.)
Hindostanee Grammar
—— Dictionary
The Arabian Nights
Belisarius
Constable's Miscellany
Rollin's Ancient History
Goldsmith's Popular Geography
—— Grammar of ditto
—— School Atlas
Murray's English Reader (Calca. edition)
Joyce's Scientific Dialogues
An Abridgment of the History of Mysore

*List of Works for Soldiers' Libraries, of which eleven Sets were sent to Madras in* 1833.

Beren's Abridgment of Waldo on the Liturgy
—— Selections from the Spectator
—— Extracts from ditto
—— Sermons on Sickness, Sorrow, and Death
Harte's Lectures on St. Matthew's Gospel, 2 vols.
Paley's Natural Theology
Natural History of Domestic Animals, 18mo
—— Insects 18mo
—— Birds 18mo
—— Trees 18mo
—— Reptiles 18mo
—— Wonderful Animals, 18mo
History of the Useful Arts
Cabinet of the ditto
Tomline's Introduction to the Bible
A Set of Tracts in 10 vols.
Bingley's Travels, 6 vols.
Gisborne's Duties of Man, 2 vols.
Hervey's Meditations
Brookes's General Gazetteer
Hamilton's E. I. Gazetteer, 2 vols.

Lending Libraries in India.

Robertson's Charles V., 3 vols.
———— History of Scotland, 2 vols.
———————— America, 3 vols.
Johnson's Life of the Poets, 2 vols.
———— Rambler, 2 vols.
———— Idler and Rasselas
The Spectator, 10 vols.
Two Years in Ava
Rollin's Ancient History, 6 vols.
Robinson's Scripture Characters, 3 vols.
Brigg's Letters
Bernier's Travels, 2 vols.
Life of Sir Thomas Munro, 2 vols.
——— Colonel Gardiner
Memoirs of a French Serjeant
Stories from History of France, 3 vols.
———————— Scotland, 3 vols.
Guthrie's Geography
Goldsmith's History of Rome
———————— Greece, 2 vols.
Bishop Heber's Journal, 3 vols.
Napier's War in the Peninsula, 3 vols.
The World in Miniature, by Shoberl, 43 vols.:—
Illyria and Dalmatia, 2 vols.
Western Africa, 4 vols.
Turkey, 6 vols,
Hindoostan, 6 vols.
Persia, 3 vols.
Russia, 4 vols.
Austria, 2 vols.
China, 2 vols.
Japan, 1 vol.
South-Sea Islands, 2 vols.
Asiatic Islands, 2 vols.
Thibet, 1 vol.
Spain and Portugal, 2 vols.
Switzerland, 1 vol.
England, Scotland, and Ireland, 4 vols.
The Netherlands
General Atlas, folio, col'd, half Russia
The Waverley Novels complete, 48 vols.
History of British India, 3 vols.
Works by Gleig
The Subaltern
Chelsea Pensioners, 3 vols.
Constable's Miscellany
Hall's Voyages, 3 vols.
Adventures of British Seamen
Symes' Embassy to Ava, 2 vols.
Perils and Captivity
Selections from Phenomena of Nature
Lockhart's Life of Burns
Wrangham's Evidences of Christianity
White's Natural History of Selborne
Carrick's Life of Sir William Wallace, 2 vols.
Bourrienne's Buonaparte, 4 vols.
Trueba's Conquest of Peru

*Cabinet Library.*

Sherer's Life of Wellington, 2 vols.

*National Library.*

Gleig's History of the Bible, 2 vols.
Smith's Festivals, Games, &c.

*Family Library.*

Natural History of Insects, 2 vols.
Southey's Life of Nelson
Scott's Demonology and Witchcraft
Scottish Worthies, 3 vols.
Life of Sir Isaac Newton
Lander's Discovery of the Niger, 3 vols.
Brewster's Natural Magic

*Lardner's Cabinet Cyclopædia.*

Scott's History of Scotland, 2 vols.
Kater and Lardner on Mechanics
Brewster's Treatise on Optics
Lives of British Statesmen, vol. 1
Gleig's Military Commanders, 3 vols.
Burder's Village Sermons, 8 vols.
Cooper's Sermons, 7 vols.
Christmas Carols
Homilies of the Church of England
Gil Blas, 2 vols.
Don Quixote, 2 vols.
Stevens' Reflections
Baron Munchausen
Edgeworth's Popular Tales, 2 vols.
Vicar of Wakefield
Mavor's Voyages and Travels, 28 vols.

*Works by the Society for Diffusion of Useful Knowledge.*

Natural Philosophy, 2 vols.
History of Greece, 1. vol.
Menageries, 2 vols.
Pursuit of Knowledge, 2 vols.
Criminal Trials, vol. 1
Results of Machinery
Cottage Evenings

*Galt's Novels.*

Lawrie Todd, 3 vols.
Annals of the Parish
Ayrshire Legatees
Bogle Corbet, 3 vols.

*Conversations on several Branches of Science, by Mrs. Marcet.*

Chemistry, 2 vols.
Natural Philosophy, 2 vols.
Political Economy
Vegetable Physiology, 2 vols.
4. Saturday Magazine, vol. 2
4. Penny Magazine, vol. 1

*List of additional Works sent out in December, 1834 (eleven sets).*

Manners, Customs, &c., of all Nations
Winter Evenings at College
Stories from the Scripture History of the Old and New Testaments
Scenes of Industry displayed in the Bee-hive and Ant's-hill
Beginnings of British Biography, by Rev. J. Taylor, 2 vols.
Beginnings of European Biography, by Rev. J. Taylor, 3 vols., viz —
The Students
The Middle Ages
The Latter Ages
True Stories from Ancient History
ditto from Modern History
ditto from English History
ditto from History of Scotland
Scenes in European Asia, by Rev. J. Taylor
———— Africa and America . ditto
———— England . . . ditto
How to be Happy, with a Selection of Moral Allegories
Conversations on the Life of our Saviour
Father Alfred's Elements of Knowledge
Stories for Short Students, by the Rev. E. Mangin
The Rival Crusoes, or the Shipwreck on a Desert Island
Wanderings of Tom Starboard
Juvenile Rambler
Alfred Campbell, by Mrs. Hofland
The Young Pilgrim ditto
The Young Cadet ditto
Son of a Genius ditto
The Animal Museum
A Visit to Grove Cottage, and the Indian Cabinet Opened
Claudine on Humility, the Basis of all Virtues
The Literary Box, consisting of Instructive and Amusing Tales
The Beauties of History, or Picture of Virtue and Vice
Croxall's Æsop.

(*Extract.*) *Fort St. George General Orders.* *No.* 189. Lending Libraries in India.

G. O. by Government. *Dated Fort St. George, 18th Aug.* 1829.

THE Right Honourable the Governor in Council has been pleased to direct, that lending libraries for the use of the European troops, be established at Fort St. George, St. Thomas's Mount, Bangalore, Trichenopoly, Hyderabad, Nagpore, Bellary, Masulipatam, Cannanore, Poonamallee Vizagapatam, and Cuddalore, and that the following rules for their guidance are to be observed.

1st. The libraries are to be under the care and superintendence of committees composed of the commandants of stations, military chaplains, and principal station staff-officers.

2d. Each library shall consist, for the present, as nearly as possible, of the following works:

List of Books ordered by the Madras Government to compose the Soldiers' Libraries under the Presidency.

Anson's (Lord) Voyage round the World, with a map
Account of the Plague and Fire of London
Beren's Thirty-three Village Sermons
Bingley's (Rev. W.) Elements of Useful Knowledge
——————— Animal Biography
——————— Celebrated Voyages
——————— Travellers
——————— Eminent Characters
Book of Trades
Bowdler's Poems, Divine and Moral
Hall's (Bp.) Contemplations on the Historical Passages of the Old and New Testament
Harte's Lectures on St. Matthew's Gospel
Josephus's (Flavius) Wars of the Jews
Lessons for Young Persons in humble Life
Loss of the Lady Hobart Packet, Cabalva, Centaur, and Litchfield
Burnet's (Bp.) History of the Reformation, abridged
Gay's Fables (part 1st.) with wood cuts
——————— selected by the Rev. J. Plumptre
Gilpin's Four Last Dialogues
——————— Life of Cranmer
——————— Latimer
——————— Bernard Gilpin
——————— Trueman and Atkins
——————— Lives Entire
Well's Geography of the Old and New Testament
Young's (Rev. J.) Essays
Natural History of Domestic Animals, 18mo.
——————— Insects, 18mo.
——————— Birds, 18mo.
——————— Fishes, 18mo.
——————— Trees, 18mo.
——————— Reptiles, 18mo.
——————— Wonderful Animals, 18mo.
——————— Remarkable Animals, 18mo.
History of Columbus, 18mo.
——————— Prince Lee Boo, 18mo.
Lyttleton's (Lord) History of England, in Letters
Maundrell's Journey to Aleppo
Memoirs of William Stevens, Esq., by the Honourable Mr. Justice Park
Natural History of Quadrupeds, Birds, and Insects
Pilgrim's Good Intent
Robinson Crusoe
Sturm's (M. C. C.) Reflections abridged, a new edition
The Lives of Marlborough, Nelson, and Campaigns of Wellington
——————— Sir Matthew Hale and Rev. Dr. Henry Hammond
——————— Bishops Wilson and Hildesley
Tomline's (Bp.) Introduction to the Study of the Bible
Trimmer's (Mrs.) Fabulous Histories
Walton's (Isaac) Lives entire
The History of Useful Arts, 18mo.
The Life of Capt. Cook, 18mo.
The Entertaining Medley, 18mo.
The National School Miscellany, No. 1 to 12, with forty wood-cuts (half bound in 1 vol.)
The National School Magazine, No. 1 to 12, with thirty-four wood-cuts (half bound in 1 vol.)
The New Youths' Magazine
Set of Religious Tracts, Society for P.C.K. (a new edit.)
Set of Books, Society for P.C.K.
Hindustanee Grammar
——————— Dictionary
The Arabian Nights
Belisarius
Constable's Miscellany
Rollin's Ancient History
Goldsmith's Popular Geography
——————— Grammar of do.
——————— School Atlas
Murray's English Reader (Calca. edit.)
Joyce's Scientific Dialogues
An Abridgement of the History of Mysore.

3d. The books are to be deposited in locked book-cases in the station school-rooms, and placed under the immediate charge of the schoolmasters; each will be allowed five rupees per mensem for dusting the books and keeping a correct register of the volumes, and an account of those lent.

4th. The hours for issuing and receiving books shall be left to the discretion of the committees.

5th. Books lent from a library are on no account to be transferred, but every book is to be brought back the week after it has been received, when it may be either returned the following day to the borrower for further perusal or exchanged for another.

6th. No person to be allowed more than one book at a time.

7th. The register of books lent to be kept in the following form:—

| Date when lent. | Borrower's Name, Company, and Regiment. | No. | When returned. | Remarks. |
|---|---|---|---|---|
| | | | | |

8th. In the event of any book being wantonly injured, the person by whom it was borrowed to be subject to such penalty as the committee at the station may see fit to impose.

9th. The committees to make a yearly report on the state of the libraries, and their apparent utility to the commander-in-chief, through the office of the adjutant-general of the army, for the information of Government.

10th. European non-commissioned officers and privates to have the first choice of books, and the committees to have the power of lending books not required by European soldiers, to such other persons as may engage to observe the rules of the institution.

His Excellency the commander-in-chief will be pleased to issue such subsidiary instructions on this subject, as he may deem necessary to carry the wishes of Government into full effect.

By order of the Right Honourable the Governor in Council,

(Signed) ROBERT CLERK,
*Acting Secretary to Government.*

Lending Libraries in India.

*(Extract.) Bombay Government General Orders, dated 7th September, 1824.*

50. Books having been received from the Honourable Court of Directors, for the purpose of establishing permanent soldiers' libraries at the principal European stations, they will be supplied accordingly to the following places, through the adjutant-general of the army:—

Garrison—Bombay,
Poonah,
Kaira,
Mhow,
Colabah,
Mataouga,
Surat.

51. On the arrival of the library, or any portion of it, at each station, it will be placed under the charge of the chaplain, who will furnish a proper receipt to the adjutant-general, through the commanding officer; and in the event of the chaplain being relieved, the library will be made over regularly in station orders, and receipts furnished in duplicate for the same.

52. To assist in the care and preservation of the books, and to keep a proper list and account thereof, the person officiating as clerk under the chaplain, or a steady non-commissioned officer, (to be nominated by him) shall be employed, on a salary of twelve rupees per mensem, from the arrival of the books at each station, to be certified by the commanding officer; the bills to be countersigned by the chaplain.

53. A room furnished with shelves, tables, and forms, (with adjoining apartment for the keeper) will be constructed at each station for keeping the books; it is also to serve as a reading-room.

54. A register to be kept, with a page appropriated to each volume, in the library, and ruled in such a manner, as to show, in one line, to whom, and on what day the volume was lent, and on what day returned; and such register shall be provided by the commissariat, and shall contain a copy of these rules.

55. Every chaplain who has received a lending library will make to the officer commanding the station, an annual return of the number and state of the books, which will be transmitted to the military secretary to the commander-in-chief. The return to be accompanied by an application for such new books as may be wanting, which, if approved, will be submitted to Government.

56. The libraries are to be under the immediate direction of the chaplain; the times of attendance for using and receiving books will be fixed at his discretion, and he may, in concert with the commanding officer, make any regulations for management of the library, which are not inconsistent with the rules laid down by the Honourable the Governor in council, or commander-in-chief.

57. A certain portion of the most valuable works and books of reference, are not to be put in circulation, but kept in the library, for those who may desire to read them there. These will be selected by the chaplain.

58. No volume shall be transferred from one person to another, nor shall any person, except under special circumstances, have more than one volume at a time.

59. These books and reading-rooms are intended exclusively for the non-commissioned officers and soldiers, and they are on no account to be interfered with in the use of them.

60. The following rules for the conservation of the books are to be printed; every volume is to have a copy pasted inside the left board before being lent out, and to have a canvas cover sewed upon it.

*Military Lending Library.*

(1.) This volume is valued at which must be paid by any person who loses it.

(2.) It must be returned by the borrower within fourteen days, but may be re-issued to him at the discretion of the chaplain.

(3.) It must be taken great care of, and on no account to be injured by writing or scribbling on it, or making dogs' ears in the leaves.

(4.) It is not to be lent to any one by the person who has received it from the library.

61. In all cases where there may not be a chaplain resident or present, the above duties will devolve on the brigade major, or other station staff-officer.

62. His excellency the commander-in-chief is requested to issue further orders, should any be deemed necessary, for the internal management and regulation of these libraries, and to give effect to the views of the honourable court in their transmission to this country.

## BOMBAY.

List of Books sent for the Military Libraries in 1824.

*Religious.*

Paley's Works
Beren's Village Sermons
Tomline's Theology
The Village Preacher
Mant's Bible
do. Common Prayer

*Histories.*

Goldsmith's England
do. Greece
do. Rome
Orme's Hindostan

*Voyages.*

Mavor's Voyages and Travels

*Natural History.*

Ray on the Wisdom of the Creation
Goldsmith's Animated Nature
Kirby and Spence's Entomology
Huber on Bees

*Mathematics.*

Hutton's Mathematics
Bonnycastle's Astronomy
Joyce's Scientific Dialogues and Companion

*Poetry, Tales, &c.*

Shakspeare's Plays
Cowper's Poems
Crabbe's Poems
Burns's Poems
Bloomfield's Poems
Arabian Nights
Chinese Tales
Tales of the Genii
Edgeworth's Popular Tales
Castle Rack Rent
Cottagers of Glenburnie
Don Quixote
Gil Blas
Devil on Two Sticks
Baron Munchausen, with plates
Novels by the Author of Waverley
St. Ronan's Well
More's Sacred Dramas
Leadbeter's Cottage Dialogues
Peter Wilkins
Sherwood's Serjeant Dale
Mrs. Woodruff's Works
Alfred and Galba
Pilgrim's Progress
History of Michael Kemp

*Miscellaneous.*

Nicholson's Encyclopædia
British Plutarch
do. Nepos
Life of Colonel Gardiner
Life of Peter the Great
The Hundred Wonders of the World
Abridgment of Pinkerton's Geography
Smith's General Atlas, coloured
Southey's Life of Lord Nelson
do. War in the Peninsula

Lending Libraries in India.

Jones's War in the Peninsula
Account of the Battle of Waterloo
Spectator
Watkins's Biography
Elegant Extracts, verse and prose
Dirom's War in Mysore
Beatson's War in Mysore
Wilk's Mysore
Thorn's War in India
Blacker's Campaigns

*Annual.*

Rivington's Annual Register
do. Cottagers' Monthly Visitor

*Oriental.*

Shakspeare's Hindustani Grammar
do. Hindustani Dictionary

*All bound in half Russia, and lettered on the back* "MILITARY LIBRARY."

*Additional Works sent out in February* 1834. (*Six sets.*)

Beren's Sermons
Gisborne's Duties of Man
Newton on the Prophecies
4 Harte's Lectures on St. Matthew's Gospel
Tomline's Theology
Village Preacher
Pilgrim's Progress by Scott
Life of Latimer
Life of Cranmer
Life of Bernard Gilpin
Sellon's Abridgment of the Bible
4 Venn's Whole Duty of Man
Leslie on Deism
4 Nelson's Devotions
4 Great Importance of a Religious Life
4 Horne on the Psalms
Natural History of Domestic Animals
Natural History of Insects
Natural History of Birds
Natural History of Trees
Natural History of Reptiles
Natural History of Wonderful Animals
History of Useful Arts
Cabinet of Useful Arts

*Works by the Society for the Diffusion of Useful Knowledge.*

Natural Philosophy
History of Greece
Menageries
Pursuit of Knowledge
Criminal Trials
Results of Machinery
Cottage Evenings
Instinct Displayed

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Robertson's Charles V.
Johnson's Lives of the Poets
Two Years in Ava
Life of Sir Thomas Munro
2 Memoirs of a French Serjeant
2 The Subaltern
Chelsea Pensioners
Life of Lord Collingwood
Napier's War in the Peninsula
Hutton's Mathematics
Tales of the Genii
Devil upon Two Sticks
Baron Munchausen
2 Cowper's Poems

*From Constable's Miscellany.*

Hall's Voyages
Adventures of British Seamen
Symes's Embassy to Ava
Perils and Captivity
Selections from the Phenomena of Nature
Lockhart's Life of Burns
Wrangham's Evidences of Christianity
White's Natural History of Selborne
Carrick's Life of Sir William Wallace
Bourrienne's Bonaparte
Trueba's Conquest of Peru

*From Edinburgh Cabinet Library.*

History of British India

*From Lardner's Cabinet Library.*

Sherer's Life of Wellington

*From National Library.*

Gleig's History of the Bible
Smith's Festival Games

*From Family Library.*

Natural History of Insects
Scott's Demonology and Witchcraft
Scottish Worthies
Life of Sir Isaac Newton
Lander's Discovery of the Niger
Brewster's Natural Magic

*From Lardner's Cabinet Cyclopædia.*

Scott's History of Scotland
Kater and Lardner on Mechanics
Brewster's Treatise on Optics
Lives of British Statesmen
Herschel on Astronomy
Gleig's Military Commanders

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Waverley Novels

*Galt's Novels.*

Lawrie Todd
Annals of the Parish
Ayrshire Legatees

*Conversations on several branches of Science by Mrs. Marcet.*

Chemistry
Natural Philosophy
Political Economy
Vegetable Physiology

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Murray's English Reader
Belisarius
Defoe's Account of the Plague and Fire of London
Narratives of Shipwrecks
4 Saturday Magazine, vol. 1 to 3
4 Penny Magazine, vol. 1 and 2
4 Pinnock's Guide to Knowledge

*Publications of Religious Tract Society.*

Anecdotes of Providence
Anecdotes of Holy Scripture
Bogatskey's Golden Treasury
Christian Biography, Leighton, Henry, &c.
——————— Watts, Romaine, &c.
——————— Baxter, Howard, &c.
Richmond's Annals of the Poor
Alleine's Alarm
Adams's Private Thoughts

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Fielding's Works
Smollett's Works
Madame D'Arblay's Works
Miss Edgeworth's Works
Gil Blas

## GENERAL ORDERS,*

*By His Excellency the Commander-in-Chief, Madras.*

*4th July* 1835.

Extracts from General Orders, Madras Presidency.

The following Extracts from the Confirmed Proceedings of a Native General Court Martial, holden at Vellore on Thursday the Second day of July, in the Year of Our Lord One thousand Eight hundred and Thirty-five, by virtue of a Warrant from His Excellency Lieutenant-General The Honourable Sir Robert William O'Callaghan, K. C. B., Commander-in-Chief, are published to the Army.

Gopauloo Naick, Private, Number Sixty-six in the B Company of the Twenty-fifth Regiment of Native Infantry, placed in Confinement, by my order.

*First Charge.*—For highly mutinous conduct, to the prejudice of good order and Military Discipline, in having at Vellore, on the Eighth of June, One thousand Eight hundred and Thirty-five, at Evening Roll Call, in the presence of the men of his Company, made use of the following insubordinate, disrespectful and grossly abusive expressions, in allusion to me his immediate Commanding Officer, namely "*Major Ross was angry with me on the last occasion of Ball practice, and called me Mootal: the Makeechoot Buhan-kee-choot moorut admue*" or words to the same effect.

*Second Charge.*—For having, at the same time and place, when ordered by Havildar Coopiah of the same Company and Regiment, to desist from holding such Language, said in an insubordinate and contemptuous tone of voice—"*I am not afraid to repeat what I have said*" at the same same time stepping out in front of his Company and repeating the expressions set forth in the First Charge, and adding "*Now, what can you do to me; you can only get me discharged,*" or words of the like import.—Thereby disobeying the lawful Command of his Superior Officer then and there in the execution of his Office.

The above being a breach of the Articles of War.

VELLORE,
*The Eleventh of June,*
*One Thousand Eight hundred and Thirty-five.*

(Signed) J. ROSS, Major,
Senior Officer in charge of
25th Regiment N. I.

By order,
(Signed) T. H. S. CONWAY,
*Adjutant General of the Army.*

* See Report, p. 16.

Extracts from General Orders, Madras Presidency.

The Court having most maturely weighed and considered the whole of the Evidence brought forward in support of the Prosecution, as well as what the Prisoner Gopauloo Naick, Private, Number Sixty-six in the B Company of the Twenty-fifth Regiment of Native Infantry hath advanced in his Defence, is of opinion:

*Finding on the First Charge.*—That the Prisoner is Guilty of the First Charge.

*Finding on the Second Charge.*—That the Prisoner is Guilty of the Second Charge.

*Sentence.*—The Court having found the Prisoner Guilty as above stated, doth Sentence him, the said Gopauloo Naick, Private, Number Sixty-six, in the B Company of the Twenty-fifth Regiment of Native Infantry, to be discharged from the Service.

(Signed) C. A. ROBERTS, Deputy Judge Advocate General.

(Signed in the Hindostanee Character) SHAIK CASSIM, Subadar Major of the 40th Regt. N. I. and President.

(Signed) D. C. CAMPBELL, Ensign 9th Regt. N. I. Interpreter to the Court.

Confirmed.

MADRAS, *4th July* 1835.

(Signed) R. W. O'CALLAGHAN, Lieut. General, *and Commander-in-Chief.*

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## GENERAL ORDERS,

*By His Excellency the Commander-in-Chief.*

*12th September*, 1835.

The following Extracts from the confirmed Proceedings of a Native General Court Martial, holden at Bangalore, on Wednesday, the Ninth day of September, in the Year of our Lord One Thousand Eight hundred and Thirty-five, by virtue of a Warrant from His Excellency Lieutenant-General The Honourable Sir R. W. O'Callaghan, K. C. B., Commander-in-Chief, are published to the Army.

Abdool Rahimon, Private, Number Thirty-six, in the Grenadier Company of the Fifty-second Regiment of Native Infantry, placed in Confinement, by my order.

*First Charge.*—For having, on the Public Road between Hurryhur, and the Lines of the Fifty-second Regiment of Native Infantry, on the Thirtieth of July, One Thousand Eight hundred and Thirty-five, repeatedly struck, with his Fist, Jemadar Rajapah, of the same Regiment, his Superior Officer, then and there in the execution of his Office, quelling an affray among certain men of his Regiment; at the same time seizing the said Jemadar by the Hair of his Head and throwing him down.

*Second Charge.*—For conduct to the prejudice of good order and Military Discipline in having, at the same time and place, made use of the following grossly abusive expressions towards the said Jemadar, namely, "go to hell you rascal," or words to that effect.

The above being in breach of the Articles of War.

HURRYHUR, *The Seventh of August, One thousand Eight hundred and Thirty-five.*

(Signed) G. WAHAB, Colonel, Commanding 52d Regiment.

(By Order.)

(Signed) T. H. S. CONWAY, *Adjutant-General of the Army.*

The Court having most maturely weighed and considered the whole of the Evidence brought forward in support of the Prosecution, as well as what the Prisoner Abdool Rahimon, Private, Number Thirty-six, n the Grenadier Company of the Fifty-second Regiment of Native Infantry, has urged in his Defence, is of opinion:—

*Finding on the First Charge.*—That the Prisoner is Guilty of the First Charge.

*Finding on the Second Charge.*—That the Prisoner is Guilty of the Second Charge.

*Sentence.*—The Court having found the Prisoner Guilty as above stated, doth Sentence him, the said Abdool Rahimon, Private, Number Thirty-six, in the Grenadier Company of the Fifty-second Regiment of Native Infantry, to be discharged from the Service.

(Signed) C. W. NEPEAN, Captain, Deputy Judge Advocate General.

The mark X of MAHOMED SAIB, Subadar and President.

(Signed) W. C. CHINNERY, Lieutenant, 4th Regiment N. I., Interpreter to the Court.

Confirmed.

MADRAS, *The 12th September*, 1835.

(Signed) R. W. O'CALLAGHAN, Lieut.-General, *and Commander-in-Chief.*

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The following Extracts from the Proceedings of an European General Court Martial, holden at Moulmein, (being an appeal to an European Court under the Provisions of Regulation III of 1829,) on Wednesday the Twenty-second day of July, in the year of Our Lord One thousand Eight hundred and Thirty-five, and continued by Adjournment, by order of Brigadier George Hillier, Commanding the Troops on the Coast of Tenasserim, by virtue of a Warrant of Authority vested in him by His Excellency Lieutenant-General The Honourable Sir Robert William O'Callaghan, K. C. B., Commander-in-Chief, are published to the Army.

Mahomed Yacoob, Private, Number Thirty-six, in the B Company of the Forty-fifth Regiment of Native Infantry, placed in Confinement by order of Captain James Wyllie, commanding the Troops at Mergui.

*Charge.*—For conduct to the prejudice of good order and Military Discipline, in having at Mergui, while posted as Sentry over the Jail, on the Night of the Sixteenth of June One thousand Eight hundred and Thirty-five, permitted the escape of a Prisoner confined therein.

The above being in breach of the Articles of War.

MOULMEIN, *Fourteenth July, One thousand Eight hundred and Thirty-five.*

(By Order.)

(Signed) W. L. G. WILLIAMS, Captain, D. A. A. General, T. P.

The Court having most maturely weighed and considered the whole of the Evidence brought forward in support of the Prosecution, as well as what the Prisoner Mahomed Yacoob, Private, Number Thirty-six in the B Company of the Forty-fifth Regiment of Native Infantry, has urged in his Defence, and the Evidence produced in support thereof, is of opinion :

*Finding on the Charge.*—That the Prisoner is Guilty of the Charge.

*Sentence.*—The Court having found the Prisoner Guilty as above stated, doth Sentence him the said Mahomed Yacoob, Private, Number Thirty-six in the B Company of the Forty-fifth Regiment of Native Infantry to be severely reprimanded in such manner as the Officer confirming these Proceedings may be pleased to direct, and further that he be admonished to be more careful in future in the execution of his duty.

(Signed) W. FREEMAN, Lieutenant,
Acting Adjutant, 45th Regiment N. I.
Acting Deputy Judge Advocate General.

(Signed) ARTHUR MAIR, Captain,
H. M. 62d Regiment,
and President.

(Signed) E. MARRIOTT, Lieutenant,
45th Regiment N. I. Interpreter to the Court.

*Remark.*—The Court begs respectfully to remark that it has been influenced in awarding so mild a Sentence by the excellent character given of the Prisoner by two Native Officers of his Regiment as recorded in these Proceedings.

(Signed A. MAIR, Captain,
and President.

Disapproved.—Reprimand not being a Punishment suited to the Degree of a Private Soldier.

MADRAS,
*The 11th of September* 1835.

(Signed) R. W. O'CALLAGHAN, Lieut.-General,
*and Commander-in-Chief.*

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Rungiah, Private, Number Two in the B Company of the Forty-fifth Regiment of Native Infantry, placed in confinement by order of Captain James Wyllie, commanding the Troops at Mergui, on the following Charges.

*First Charge.*—In having at Mergui, while Sentry over the Jail, on the Night of the Sixteenth June, One thousand Eight hundred and Thirty-five, quitted his Post, without being regularly relieved.

*Second Charge.*—For conduct to the prejudice of good order and Military Discipline, in having at the same time and place, permitted the escape of a Prisoner confined in the Jail.

The above being in breach of the Articles of War.

MOULMEIN,
*Fourteenth July, One thousand Eight hundred and Thirty-five.*

(By order.)
(Signed) W. L. G. WILLIAMS, Captain,
D. A. A. General, T. P.

The Court having most maturely weighed and considered the whole of the Evidence brought forward in support of the Prosecution, as well as what the Prisoner Rungiah, Private, Number Two in the B Company of the Forty-fifth Regiment of Native Infantry, has urged in his Defence, is of opinion :

*Finding on the First Charge.*—That the Prisoner is Guilty of the First Charge.

*Finding on the Second Charge.*—That the Prisoner is Guilty of the Second Charge.

*Sentence.*—The Court having found the Prisoner Guilty as above stated, doth Sentence him the said Rungiah, Private, Number Two in the B Company of the Forty-fifth Regiment of Native Infantry to be Discharged from the Service.

(Signed) W. FREEMAN, Lieutenant,
Acting Adjutant, 45th Regiment N. I.
Acting Deputy Judge Advocate General.

(Signed) ARTHUR MAIR, Captain,
H. M. 62d Regiment,
and President.

(Signed) E. MARRIOTT, Lieutenant,
45th Regiment N. I. Interpreter to the Court.

Approved and Confirmed.

MADRAS,
*The 11th September* 1835.

(Signed) R. W. O'CALLAGHAN, Lieut.-General,
*and Commander in Chief.*

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*14th September*, 1835.

The following Extracts from the Confirmed Proceedings of a Native General Court Martial, holden at Quilon, on Monday the Seventh day of September, in the Year of our Lord One Thousand Eight hundred and Thirty-five, by virtue of a Warrant from His Excellency Lieutenant-General The Honourable Sir Robert William O'Callaghan, K.C.B., Commander-in-Chief, are published to the Army.

Ramadoo, Private, Number Twenty-one, in the C Company of the First Regiment of Native Infantry, placed in confinement by my order.

*First Charge.*—For having at Tripontoorah, near Cochin, on the Twenty-third of July, One thousand Eight hundred and Thirty-five, been drunk on Duty under Arms, when on Guard over the Treasury of the Rajah of Cochin.

*Second Charge.*—For highly mutinous conduct, subversive of good Order and Military Discipline, in the following Instances :

*First Instance.*—In having, at the same time and place, made use of the following abusive Language towards Havildar Goordial ponday, his Superior Officer, then and there in the execution of his office, namely, Banchoot! Maukee Choot; Kero pee co hye! or words to the same effect, thereupon rushing at him with his clenched Fist.

*Second Instance.*—In having, at the same time and place, persisted in taking his tour of Duty, as Sentry, when told by the said Havildar Goordial ponday that he was, from Drunkenness, incapacitated for the performance of such Duty.

Extracts from General Orders, Madras Presidency.

*Third Charge.*—For having, at the same time and place, offered violence against the said Havildar Goordial ponday, his Superior Officer, then and there in the execution of his office, by charging him with a drawn Bayonet.

The above being in breach of the Articles of War.

COCHIN, *The Twenty-sixth of July, One thousand Eight hundred and Thirty-five.*

(Signed) G. GRAHAM, Captain, Commanding Detachment 1st Regiment N. I.

(By order.)
(Signed) T. H. S. CONWAY,
*Adjutant-General of the Army.*

The Court having most maturely weighed and considered the whole of the evidence brought forward in support of the Prosecution, as well as what the prisoner, Private Ramadoo, in the C Company of the 1st Regiment of Native Infantry, has urged in his Defence, is of opinion:

*Finding on the First Charge.*—That the Prisoner is Guilty of this Charge.

*Finding on the First Instance of the Second Charge.*—That the Prisoner is Guilty of the First Instance of the Second Charge.

*Finding on the Second Instance of the Second Charge.*—That the Prisoner is Guilty of the Second Instance of the Second Charge.

*Finding on the Third Charge.*—That the Prisoner is Guilty of this Charge.

*Sentence.*—The Court having found the Prisoner Guilty, as above stated, doth Sentence him, the said Ramadoo, Private, Number Twenty-one, in the C Company of the First Regiment of Native Infantry, to be discharged the Service.

(Signed) THOMAS M'GOUN, Deputy Judge-Advocate-General.

The X Mark of MAHOMED KHAN, Subadar Major and President.

(Signed) S. TALMAN, Lieutenant, Interpreter to the Court.

(Confirmed.)

MADRAS, 14th *September*, 1835.

(Signed) R. W. O'CALLAGHAN, Lieut.-Gen. *and Commander-in-Chief.*

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The following Extracts from the Confirmed Proceedings of a Native General Court Martial, holden at Kamptee on Friday the Twenty-first day of August, in the year of Our Lord One thousand Eight hundred and Thirty-five, by order of Brigadier John Woulfe, Commanding the Nagpore Subsidiary Force, by virtue of a Warrant of authority vested in him by His Excellency Lieutenant-General The Honourable Sir Robert William O'Callaghan, K.C.B., Commanding in Chief, are published to the Army.

Nehol Tevary, Camp Follower, placed in confinement by my order.

*Charge.*—For having, at Kamptee, on the Twenty-fifth day of June, One thousand Eight hundred and Thirty-five, wilfully, and of his malice aforethought, made an assault upon Jheepree, Camp Follower, and then and there unlawfully, and maliciously wounded the said Jheepree with a large Bludgeon on the head, with intent in so doing to do some grievous bodily harm to her the said Jheepree.

The above being within the Provision of the Sixth Article of the Twelfth Section of the Articles of War.

CANTONMENT KAMPTEE, *The Fourteenth day of July, One thousand Eight hundred and Thirty-five.*

(Signed) A. TROTTER, Sub-Assistant Commissary-General.

(By Order.)
(Signed) J. GUNNING, Assistant Adjutant-General.

The Court having most maturely weighed and considered the whole of the Evidence brought forward in support of the Prosecution, as well as what the Prisoner, Nehol Tevary, Camp Follower, has urged in his Defence, is of opinion:

*Finding on the Charge.*—That the Prisoner is "Guilty" of the Charge.

*Sentence.*—The Court having found the Prisoner Guilty as above stated, doth Sentence him the said Nehol Tevary, Camp Follower, to suffer imprisonment with hard labour for the term of two years, commencing from such time and being at such place as His Excellency may please to direct; and the Court doth further Sentence him, the said Nehol Tevary, Camp Follower, to receive a Corporal Punishment of One hundred lashes on his bare back with a Cat o'nine tails, at such time and place as His Excellency the Commander in Chief may be pleased to direct.

(Signed) THOMAS B. CHALON, Deputy Judge Advocate General, Conducting Proceedings.

(Signed in the Gentoo Character,) VENKETGHERRY, Subadar and President.

(Signed) J. W. STRETTELL, Lieutenant, 1st Light Cavalry, Interpreter to the Court.

Confirmed, with the exception of the Corporal Punishment which is hereby remitted. The Officer Commanding the Nagpore Subsidiary Force will take measures for carrying the mitigated Sentence into effect in the usual manner.

MADRAS, *The 7th of September*, 1835.

(Signed) R. W. O'CALLAGHAN, Lieut.-General, *and Commander in Chief.*

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*Letter from the Secretary of the East India House to the Military Punishment Commission, respecting Lord W. Bentinck's Order of 24th February, 1835.*

Letter from India House.

SIR, *East India House, 1st March, 1836.*

HAVING laid before the Court of Directors of the East India Company your Letter, dated the 19th ultimo, stating the wish of Lord Wharncliffe, President of the Military Punishment Commission, to ascertain whether the Court would desire to offer any opinion or evidence to the Commission on the subject of Lord William Bentinck's General Order of the 24th February 1835, for abolishing Corporal Punishment in the Native Army of India, I am commanded by the Court, with the approbation of the Commissioners for the Affairs of India, to acquaint you that the only evidence which the Court have received from India on the subject of the General Order referred to has, with their concurrence, been communicated to the Commission by the President of the Board of Commissioners for the Affairs of India.

I am to add, that the Court have forborne to issue any instructions on this important subject until they shall be advised of the report of the Commission of which Lord Wharncliffe is President, and the decision of Parliament thereon.

I have, &c.

*George Collin, Esq.* JAMES C. MELVILL, Secretary.

## PRIVATE THOMAS RAMSEY, WOOLWICH DIVISION OF MARINES.

*Proceedings of the Divisional Court Martial held at the Royal Marine Barracks,*

By order of *Colonel Robert M'Cleverty*, C. B. Commandant.

*Woolwich, 6th November*, 1835.

*President.*

Captain Thomas C. Steward,

*Members.*

1st Lieut. James Thomson,
1st Lieut. Anthony B. Stranshand,
1st Lieut. G. Merrish,
2d Lieut. Simon Fraser.

The Court, being duly sworn, proceeded to the trial of 36th Company, Thomas Ramsey, Private.

*First Charge.*

For irregular and unsoldierlike conduct in absenting himself from Head Quarters without leave, viz., tattoo of the 28th ultimo, morning and evening parades, and tattoo of 29th ultimo, thereby breaking his barrack confinement, which was ordered him by his commanding officer for a former offence, and being deficient of a part of his necessaries.

*Second Charge.*

For disobedience of order and behaving in a riotous and disorderly manner in the streets of Woolwich on the night of the 29th ultimo, and also for riotous conduct whilst confined in the black hole on the same night.

*Third Charge.*

For making use of abusive and threatening language to Corporal Thomas Hughes, whilst in execution of his duty on the 4th instant.

32d Company.—Corporal Charles Perry duly sworn, informs the court that he mustered the room to which prisoner belongs at tattoo of the evenings of the 28th and 29th ult., and each time prisoner was absent.

99th Company.—Serjeant James Milligan being sworn, states that he is superintendent of prisoner's company, and on mustering it at morning and evening parades of 29th ult. prisoner was absent. On inspecting his necessaries, prisoner was deficient of one pair of boots, one shirt, and 3 pairs of hose.

4th Company.—Serjeant-Major Thomas Kershaw duly sworn, informs the court that he was present when prisoner was confined to barracks till further orders, by the commanding officer on the morning of the 23d ult.

28th Company.—Corporal Andrew Fife sworn, states that he was present on the 5th instant, when prisoner's necessaries were mustered by serjeant Milligan, whose evidence as to the deficiency thereof is fully corroborated.

16th Company.—Edwin Harry, corporal, sworn, states that he was corporal of the out piquet on the 29th ult. and on going the rounds prisoner was met near the Rose and Crown, and witness with a file of men was ordered by serjeant Milligan to escort him to barracks. On arriving near the barracks prisoner ran away, and on being overtaken by witness who drew his bayonet for the purpose of compelling him to accompany him to the barracks, prisoner swore "he would be run through sooner than walk an inch towards the barracks." Prisoner persisting in refusing to walk, witness and another man were compelled to drag him there, and ultimately lodged him in the black hole.

94th Company.—James Mills, private, duly sworn, informs the court that he was belonging to the out piquet on the evening of the 29th ult. and was directed by serjeant Milligan to assist corporal Harry in taking prisoner to barracks, and fully corroborates the preceding evidence.

40th Company.—Samuel Dixon, private, sworn, states that he was one of the party directed by serjeant Milligan to conduct prisoner to quarters, and fully corroborates the testimony of the two preceding evidence.

89th Company.—Benjamin Leighton, private, sworn, states that he was sentry at the front gate of the barracks, and a little after nine hearing the corporal of the out piquet call for assistance, he informed the serjeant of the Guard who sent and placed the prisoner in the black hole, where he conducted himself in an abusive and riotous manner.

12th Company.—Serjeant Thomas Potts sworn, states that he commanded the barrack-guard on the 29th ult., and, between nine and ten o'clock that night, prisoner was brought by the out piquet to the guard-room, but conducted himself in so riotous a manner that witness thought proper to secure him in the black hole, which he (prisoner) endeavoured to escape from, and then witness

Extracts from General Orders.

ordered handcuffs to be placed on prisoner for better security. Shortly after hearing a noise witness opened the black hole, and finding the prisoner complained of the handcuffs they were removed. As soon as the door was closed, prisoner again commenced his noisy and riotous behaviour, and was in consequence handcuffed a second time. The noise was continued by prisoner till near 12 P. M.

89th Company.—Private John Millard sworn, informs the court that he was on guard when prisoner was placed in the black hole and had charge of him from 10 to 12 that night, and corroborates serjeant Potts' evidence as to prisoner's noisy and riotous behaviour.

28th Company.—Corporal William Hayward sworn, states that he was corporal of the barrack guard on the 29th ult., and assisted in placing prisoner in the black hole, where his conduct was noisy and riotous.

97th Company.—Corporal Thomas Hughes sworn, states that he was on barrack guard on the 4th inst. and had to escort prisoner on the afternoon of that day to the rear of the barracks and returning thence prisoner ran from the escort in the direction of the black hole, and did not stop when ordered by witness, who seized him by the coat, on which prisoner attempted to strike witness and made use of abusive language, saying, he would "knock witness's teeth down his throat"—this conduct was reported to the serjeant of the guard.

16th Company.—Joseph Williamson, private, sworn, states that he assisted corporal Hughes in escorting prisoner to the rear of the barracks and fully corroborates preceding evidence.

44th Company.—John Chapman, private, sworn, informs the Court that he was one of the prisoner's escort, and on returning from the rear of the barracks he witnessed the conduct of prisoner as described by the two foregoing evidences.

The prosecution being closed and the prisoner placed on his defence, pleaded "guilty" to crimes alleged against him.

The Court having duly weighed and considered the evidence against the prisoner, is of opinion he is guilty of the crimes laid to his charge, which being in breach of the Articles of War, does sentence him to receive one hundred and fifty lashes in the usual manner, when and where the commanding officer may think fit, and afterwards to be drummed out of His Majesty's service.

T. CAM STEWARD,
*Captain and President.*

*Approved.*
ROBT. M'CLEVERTY, *Col. Commandant.*

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SIR, *Royal Marine Barracks, Woolwich, 24th Nov.*, 1835.

PRIVATE Thomas Ramsey, of the division under my command having been tried by a Divisional Court Martial on the 6th instant for various acts of irregularity, and sentenced to receive one hundred and fifty lashes, and further, to be drummed out of His Majesty's service, was by the desire of the Divisional Surgeon, Mr. Henry Parkin, taken down after receiving one hundred and thirty-four lashes on the 7th inst., and taken to the hospital. As this man died of locked jaw on the 22d inst., I deemed it right to acquaint the proper authorities therewith for assembling a coroner's inquest touching the death of this man, and annex a copy of my letter for your information, and that of my Lords Commissioners of the Admiralty, to which I have received a verbal answer (Kibble, the constable, being ill in bed) acquainting me that my letter had been forwarded to Mr. Carter, the coroner at Greenwich.

I have, &c.,
R. M'CLEVERTY,
*Col. Commandant.*

*Major-Gen. Sir James Cockburn, Bt.*
*&c. &c. &c.*
*Royal Marine Office, London.*

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SIR, *Royal Marine Barracks, Woolwich, 24th Nov.* 1835.

PRIVATE Thomas Ramsey of this division having been tried by a Divisional Court Martial, on the 6th inst., and sentenced to receive one hundred and fifty lashes, the greater part of which was inflicted on the 7th instant, and was taken to the hospital. As this man died of locked jaw on the 22d instant, I have to request you will take the necessary steps for assembling a coroner's inquest touching the death of this man, that the matter may be fully investigated prior to the interment.

I am, &c.,
R. M'CLEVERTY, *Col. Commandant.*

*Mr. John Kibble, 45, Charles-street, Woolwich.*

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SIR, *Royal Marine Barracks, Woolwich, 28th Nov.* 1835.

UNDERNEATH I beg to furnish you with the verdict returned by the coroner's inquest on the late Thomas Ramsey, private, which was delivered at eleven o'clock last night.

I have, &c.,
R. M'CLEVERTY, *Col. Com.*

*Major-Gen. Sir James Cockburn, Bt.*
*&c. &c. &c.*
*Royal Marine Office, London.*

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*Verdict, 27th Nov.* 1835.

That Thomas Ramsey came by his death on the 22d instant, in consequence of locked jaw arising from the infliction of the punishment which he received on the 7th instant, by sentence of a Court-Martial.

RETURN shewing the Establishment of the British Army in each Year from 1825 to 1834, both Years inclusive; the Number of Persons tried by Courts Martial in each of the said Years; the Number sentenced to various Punishments other than Corporal Punishment, and the Number on whom Corporal Punishment was inflicted.

*Adjutant-General's Office*, 18th February, 1836.

| Years. | Establishment of the British Army. | Number tried by Courts Martial. | Number sentenced to various Punishments other than Corporal Punishment. | Number sentenced to Corporal Punishment. | Number on whom Corporal Punishment was inflicted. |
|---|---|---|---|---|---|
| 1825 | 98,946 | 4,708 | 2,280 | 2,259 | 1,737 |
| 1826 | 111,058 | 5,524 | 2,653 | 2,722 | 2,242 |
| 1827 | 111,107 | 5,340 | 2,541 | 2,632 | 2,291 |
| 1828 | 110,918 | 5,314 | 2,779 | 2,370 | 2,143 |
| 1829 | 103,747 | 4,782 | 2,705 | 1,943 | 1,748 |
| 1830 | 103,374 | 5,946 | 3,847 | 1,928 | 1,754 |
| 1831 | 103,413 | 7,438 | 5,549 | 1,625 | 1,489 |
| 1832 | 103,572 | 8,780 | 7,215 | 1,407 | 1,283 |
| 1833 | 103,527 | 9,628 | 8,320 | 1,197 | 1,007 |
| 1834 | 103,063 | 10,212 | 8,946 | 1,057 | 963 |

Mem. The following Returns have not been received, *viz.*:—
For 1832, the 4th Regiment.
For 1833, part of 2d West India Regiment.
For 1834, the 40th, 50th, and Ceylon Regiments.

JOHN MACDONALD, A. G.

ACCOUNT of the Number of Prisoners committed under Sentence of Courts Martial to the several Gaols in England in the Year 1833.

| Gaols. | Number of Soldiers committed to each Gaol. | Gaols. | Number of Soldiers committed to each Gaol. |
|---|---|---|---|
| Beverley | 3 | Newcastle-on-Tyne | 40 |
| Brecon | 5 | Northampton | 34 |
| Bristol | 6 | Norwich | 3 |
| Brixton | 145 | Nottingham | 16 |
| Canterbury | 36 | Pontefract | 1 |
| Carlisle | 22 | Portsmouth | 20 |
| Chester | 6 | Preston | 44 |
| Cold Bath Fields | 40 | Reading | 26 |
| Coventry | 5 | Salford | 26 |
| Devizes | 1 | Southwell | 3 |
| Dorchester | 6 | Stafford | 3 |
| Exeter | 5 | Taunton | 1 |
| Gloucester | 18 | Tynemouth | 3 |
| Gosport | 129 | Warwick | 6 |
| Horsley | 4 | Westgate | 1 |
| Hull | 26 | Wigan | 7 |
| Kirklade | 7 | Worcester | 2 |
| Knutsford | 3 | York | 5 |
| Lewes | 12 | | |
| Maidstone | 147 | Total | 920 |
| Manchester | 53 | | |

Adjutant-General's Office, Horse Guards, 7th March, 1834.

JOHN MACDONALD, A. G.

*Extracts from a Translation of M. De Chambray's Pamphlet on the Organization of the Army of Prussia*

WE will now rapidly trace those military institutions, by means of which Prussia is enabled to keep up so great an army, and which are particularly interesting as being peculiar to the Prussian nation.

Prussia is divided into military provinces, each of which is called upon to furnish recruits for a certain number of regiments which are usually stationed in the province, and the depôts of which are permanently fixed within it. All the subjects of it are called into service at the age of twenty years. A part of these levies is applied to fill up the ranks of the regular force; another part is attached to the landwehr of the first ban, which shall be presently described. The recruits who have joined the disposable force serve with it during three years; at the expiration of that period the soldiers are sent back to their homes until they shall have attained the age of twenty-five years, and constitute the army of reserve, being liable to be recalled to the army if the government should consider their services necessary. At the age of twenty-five years they are exempted from active employment, and become incorporated into the landwehr of the first ban.

Non-commissioned officers and soldiers, desirous of continuing in the regular force, after the term of three years' service, prescribed by law, shall have expired, may bind themselves for a period of six years; should they thus contract a second engagement, *they receive a higher rate of pay with a promise of a civil employment ultimately.*

In order to alleviate amongst the higher and opulent classes, the obligation which the law imposes upon every Prussian of serving personally as a private soldier, and in order to reconcile this obligation with the possibility of acquiring the knowledge necessary to other professions, the government permits voluntary enlistment subject to certain conditions.

Young men who engage to follow the profession of arms may enlist at the age of seventeen years, in corps named by themselves, provided they prove that they have pursued their studies in the gymnasium as far as the second course, or if it be found on an examination that they possess the necessary instruction: six months subsequently, they may undergo the examination necessary for becoming an ensign,* and from amongst the ensigns are chosen the sub-lieutenants. Such, on the other hand, as have no desire to embrace the profession of arms permanently, are permitted to enlist, upon condition of equipping and arming themselves at their own cost, having previously, however, submitted to an examination which shall have proved their having already gained the necessary acquirements. They are bound to serve for one year only; during that period they may continue their studies, but must also assist at military exercises. At the expiration of one year's service, they obtain leave of absence for two years, after which they are classed amongst the landwehr of the first ban.

The landwehr of the first ban constitutes a reserve, of which only a part receives pay; they are brought together in battalions and squadrons, for exercise, at two different periods of the year, viz. during the spring for eight days, and in autumn during three weeks. At the age of thirty-two years, a Prussian subject ceases to belong to the landwehr of the first ban, and from that age until that of thirty-nine, he is classed with the landwehr of the second ban. This reserve receives no pay, is not called out for exercise, and is only liable to service within the interior, in the event, during war, of an invasion of the country by an enemy. A part of the troops of Prussia is in barracks; the rest is quartered upon the inhabitants. No one can become an officer in the Prussian service, without a previous examination before a superior military committee appointed for this purpose, over which a general officer presides. The candidates can be taken only from the first class of the schools of cadets, and from amongst the ensigns; to have been admitted to either of these classes, an examination must have been undergone. All soldiers, all non-commissioned officers, and all volunteers may demand this examination on engaging to serve for a period beyond that prescribed by law.

After having undergone this examination before the Superior Committee, ensigns are declared qualified as sub-lieutenants, or they are remanded, for a definite period, for examination.

Upon a second lieutenancy becoming vacant in a regiment, the colonel proposes for the approval of the king the oldest amongst the ensigns qualified for that employment, unless some reasons derived from bad conduct preclude his doing so, and provided the corps of officers whom he consults upon this point consent to receive the candidate.

Seniority is the rule of advancement for officers as far as the rank of major* inclusive; in the higher ranks they are selected by the king; an examination is established in the artillery, before admission to the rank of captain from that of lieutenant, and in the corps of engineers, upon passing from the rank of second captain to that of the first class.

From amongst sub-lieutenants and lieutenants of upwards of three years' standing, and who have distinguished themselves for collating memoirs, selections are made for admission into a general military academy established at Berlin; a part of these officers are employed in the topographical department, and afterwards are admitted into the general staff of the army. Others are returned to their regiments, but thenceforward they are considered qualified for employment in the general staff; and it may become highly advantageous to them to have gone through the course of study at the Universal Military Academy, because to have done so is a recognised claim to the higher employments of the army.

Amongst the *civil* employments, to hold which the military of Prussia are eligible, *in some departments the whole, and of the others a great proportion, are reserved* EXCLUSIVELY *for them;* but to qualify them for receiving such appointments it is necessary that they should have served a definite number of years; these employments are given, according to their degree of importance, to officers, non-commissioned officers, and to privates. Thus the state is called upon for few retiring pensions, thereby avoiding considerable expense, and which is not the only benefit arising from the measure. The hope of obtaining these employments retains non-commissioned officers and soldiers in the ranks whose services would have been lost at a period when they were scarcely trained; permanence is given to the profession, the army becomes attached to the government by new ties, and a sort of confraternity instead of rivalry and jealousy is established between the civil and military services.

The landwehr is officered, in great part, from amongst those of the army who have quitted the regular service, generally for the purpose of attending to their private affairs, and these are principally landowners in the districts from whence the battalions they served in are recruited. When a sufficient number of officers so circumstanced are not procurable, the sub-lieutenants are appointed from amongst the non-commissioned officers and privates of the landwehr, who shall have before served as volunteers in the army; but here a previous examination is required, also that they be accepted by the corps of officers, and that the certificate of good conduct be obtained from the landrath.* Officers are advanced by seniority.

* The rank of ensign is fixed between that of a serjeant-major and that of serjeant; there is one ensign to each company.

† In the Prussian service the rank of major is equivalent to that of chef de bataillon in the French army.

* The office of landrath is analogous to our justice of peace.

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